The City Council of the City of Raleigh met in regular session on Tuesday, December 6, 1983, at 10:00 a.m. in the Northeast Exhibit Hall of the Civic Center for the Inaugural ceremony of the City Council. The meeting was called to order by the City Clerk, Gail Smith. Invocation was rendered by Dr. Jerry D. Hayner, Pastor of Forest Hills Baptist Church. The Clerk indicated the following Councillors have been certified by the Wake County Board of Educators:

At Large:	Sandra P. Babb
	Miriam P. Block
District A:	O. Morton Congleton
District B:	Edward A. Walters
District C:	Rev. Arthur J. Calloway
District D:	Walter M. Keller
District E:	Mary Cates

The oaths of office were administered by the Honorable Earl W. Vaughn, Chief Judge, North Carolina Court of Appeals.

The City Clerk indicated Avery C. Upchurch has been certified as Mayor. Mr. Upchurch was administered the oath of office as Mayor of the City of Raleigh by the Honorable Earl W. Vaughn. Mayor Upchurch made remarks relative to policies and directions under his administration. Mayor Upchurch presented plaques of appreciation to S. Tony Jordan, Jr. and John A. Edwards, Sr. for their outstanding service during their tenure on the Raleigh City Council. Mayor Upchurch presented former Mayor, G. Smedes York, with a plaque of appreciation for his outstanding service, a City of Raleigh flag and a painting depicting the mayor jogging through a panorama of projects that have taken place during his tenure. Mayor Upchurch presented Mrs. York with a box of roses. Benediction was rendered by Dr. Albert G. Edwards, senior minister of the First Presbyterian Church. Following the benediction, the City Council recessed until 1:30 p.m. at which time the meeting would continue in the City Council Chambers of the Municipal Building.

RECONVENED

The City Council Meeting reconvened at 1:30 p.m. in the City Council Chambers of the Municipal Building with all Council Members present.

RECOGNITION OF SPECIAL AWARDS

JOEL LANE PLAQUE - RECEIVED

Sis Cheshire was at the meeting and presented a plaque relating to Joel Lane pointing out the plaque was first given to the City of Raleigh in 1913 and hung at the old City Hall on Fayetteville Street. She indicated it was presented by the Bloonsberry Chapter of the DAR. She explained the history, where it has been all of these years and indicated she would like to represent it to the City and request that it hang on the west wall of the lower lobby of the new Municipal Building. She expressed appreciation to Assistant Public Works Director Beachum and City Manager Zachary who had been so helpful in her efforts to give the plaque back to the City. Mayor Upchurch accepted the plaque expressing appreciation pointing out the former City Council worked hard in attempting to set aside space in the new Municipal Building for art works and while he could not commit a particular wall, he felt that it would be very appropriate for the Joel Lane Plaque to hang in the new building.

COMMENDATION - CITY MANAGER AND MRS. L. P. ZACHARY, JR.

Mayor York called on Mr. and Mrs. L. P. Zachary, Jr. pointing out this is the last formal Council Meeting at which Mr. Zachary will be City Manager. He presented Mrs. Zachary with an orchid corsage. Mayor Upchurch called on Former Mayors Isabella Cannon, Clarence E. Lightner and G. Smedes York for this presentation. Mayor Upchurch presented City Manager Zachary with a flag of the City of Raleigh and presented a framed commendation signed by the Mayors under which City Manager Zachary has served: G. Smedes York; Isabella W. Cannon; Jyles J. Coggins, Clarence E. Lightner and Thomas W. Bradshaw, Jr. A number of former Council Members who served under these mayors were in the audience for the presentation and stood as Mayor Upchurch read the commendation. City Manager Zachary expressed appreciation to the Mayors and for the opportunity of having served the City of Raleigh.

MAYOR PRO TEM - EDWARD A. WALTERS - ELECTED

Mayor Upchurch indicated as he understands the first order of business for this City Council would be the election of a Mayor Pro Tem. He opened the floor for nominations. Mr. Keller indicated in light of the outstanding work and past performance as Mayor Pro Tem he would nominate Edward A. Walters. His motion was seconded by Mrs. Block. There being no further nominations, Mrs. Block moved that nominations for Mayor Pro Tem be closed and that Mr. Walters be elected by acclamation. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. Mayor Upchurch announced the election of Edward A. Walters as Mayor Pro Tem for the City of Raleigh.

CITY COUNCIL COMMITTEES - APPOINTMENTS MADE

Mayor Upchurch indicated at this point he would name committees for the coming years. He indicated in making committee assignments he has deliberated over the matter and studied it very carefully. He stated he wanted to utilize all of the talents and expertise of the various Council Members, pointing out we have no strangers to City Hall. He explained Councilman Congleton and Cates, while new to the City Council have been around City Hall for many years and are familiar with the work of City Government. He indicated Mrs. Block has come back for her fourth term indicating "the City is recycling Mrs. Block." Mayor Upchurch indicated in making his City assignments he was trying to utilize the talents of the Council Members, put people where they want to serve, etc. Mayor Upchurch passed out the following Committee assignments, pointing out in his opinion we will be operating with four major committees with one being as important as the other and that the four committees would be of equal standing. He stated these would be the Committees he would recommend that the City Council begin with pointing out there will be other Committees and assignments of Council Members as liaison to various Council appointed Committees. Without comment, the Committee assignments were received and are as follows:

LAW AND FINANCE AND ANNEXATION
Mr. Keller, Chairman
Ms. Babb
Mr. Congleton

PUBLIC WORKS AND MUNICIPAL BUILDING COMMITTEE
Mrs. Block, Chairman
Mr. Calloway
Mrs. Cates

COMPREHENSIVE PLANNING AND RALEIGH TOMORROW
Ms. Babb, Chairman
Mrs. Cates
Mr. Congleton

INTERGOVERNMENTAL COMMITTEE
Mr. Calloway, Chairman
Mrs. Block
Mr. Walters

DOWNTOWN COMMITTEE
Mr. Upchurch, Chairman
Ms. Babb
Mr. Keller
Mr. Walters

REAL ESTATE
Mr. Walters, Chairman
Mr. Keller
Mrs. Block

CONSENT AGENDA

CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. If a Councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. The vote on the consent Agenda will be a roll call vote. Mr. Keller requested that the transfer in the Parks and Recreation Department be withdrawn. Mr. Upchurch requested that the change order relating to the Atlantic Avenue Water Main be withdrawn from the Consent Agenda and considered later in the meeting when the Council considers the bids for Atlantic Avenue. Without objection, these two items were withdrawn. Mr. Walters moved that Administration's recommendation on the remaining items on the Cosnent Agenda be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows:

PRIVILEGE LICENSE - SUGAR & SPICE - APPROVED CONDITIONALLY

This is a privilege license application for "Sugar & Spice," located at 119 East Hargett Street. The owner, James Eddie Maxwell, is the individual making application. City Code Sections 2-2032(2), (3), (5), and 12-2118(3) require City Council approval before a license may be issued for a dance hall, private club with live entertainment, classified as a class two entertainment center. The Police report indicates approval. The Inspections Division is recommending a conditional approval upon compliance with all building code items. Consent Agenda Approval - Walters/Calloway - 8 ayes.

INDUSTRIAL SEWER USE ORDINANCE - PROPOSED CHANGE - APPROVED - ORDINANCE ADOPTED

On July 19, 1983, the Council adopted the Sewer Use Ordinance. Two sections have been identified by Administration which need to be revised to correct typographical errors in the original ordinance. Council Members will have a copy of the proposed amendment in their Agenda packets.

Recommendation: It is recommended that the proposed amendments be approved. Consent Agenda approval: Walters/Calloway - 8 ayes.

ORDINANCE NO. (1983) 239

ORDINANCE NO. 83 - ORDINANCE AMENDING THE SEWER USE ORDINANCE OF THE CITY OF RALEIGH

WHEREAS, The City Council of the City of Raleigh amended its Sewer Use Ordinance Regulating the discharge of waste water to the City's waste water collection and treatment system on July 19, 1983; and

WHEREAS, It is desirable to amend this ordinance to correct a typographical error and to increase the ability of the Administration to equitably enforce self-monitoring efforts by industrial customers;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1: That the portion of Section 8-2113(a)(2) which reads, "0.0 mg/1 Cadmium" be amended to read, "0.10 mg/1 Cadmium."

Section 2: That the portion of Section 8-2115(c) which reads, "More frequent intervals of sampling may be prescribed by the City" be amended to read, "More or less frequent intervals of sampling may be prescribed by the Director."

Section 3: That this ordinance shall be effective upon its adoption.

This the 6th day of December 1983.

CAROLINA POWER AND LIGHT COMPANY - ENCROACHMENT AGREEMENT - APPROVED

Carolina Power and Light Company has requested a right of encroachment onto an existing sanitary sewer easement located on properties adjacent to South Wilmington Street. This is for the purpose of installing an overhead power service line, pole, and guy.

Recommendation: It is recommended that the Council approve the granting of the encroachment and authorize the Mayor to execute the appropriate agreement. Consent Agenda approval: Walters/Calloway - 8 ayes.

NC DEPARTMENT OF TRANSPORTATION - UTILITY AGREEMENT - APPROVED - FUNDS APPROPRIATED

To coordinate with the future construction of the I-40 road project from Raleigh to Benson, it is desirable to have an agreement with the State concerning the City's future need to extend a water line along Rock Quarry Road. Administration has developed a proposed Municipal agreement for this purpose. The conditions of the agreement are consistent with our previous arrangements with the State, and provide that the State will perform the necessary work in conjunction with their bridge construction and would be reimbursed by the City. It is estimated that the City's cost would be $30,000.

Recommendation: It is recommended that the Council approve the utility agreement with the State, authorize the Mayor to execute the document, and approve the following transfer of funds.

From: 84-2-1110-0000, 54" Water Transmission Main, $30,000; To: 84-2-1700-0101, NCDOT Rock Quarry Main, $30,000.

Consent Agenda approval: Walters/Calloway - 8 ayes.

RESOLUTION NO. (1983) 405

Copy of a Resolution Passed by the City Council of the City of Raleigh, North Carolina

A motion was made by Councilman Walters and seconded by Councilman Calloway for the adoption of the following resolution, and upon being put to a vote was duly adopted:

WHEREAS, the North Carolina Department of Transportation has prepared and adopted plans for the construction of I-40 from the Raleigh Beltline to 0.4 miles south of SR 2547; and,

WHEREAS, said Department of Transportation and the Municipality of Raleigh propose to enter into an agreement whereby said Department will include in its construction contract provisions to install a 12-inch D.I. water line; and,

WHEREAS, the Municipality agrees to reimburse the Department of Transportation for the cost of said work with reimbursement to be made in a lump sum amount upon completion of the work.

NOW, THEREFORE, BE IT RESOLVED, that the proposed agreement is hereby formally approved by the City Council and the Mayor and Clerk are hereby authorized to execute the required agreement on behalf of the City of Raleigh.

STREET CLOSING - WEST LANE STREET - RESOLUTION OF INTENT ADOPTED

The Raleigh City Council has been petitioned to close a portion of West Lane Street, located between North Harrington Street and North West Street. The right-of-way, presently, is graveled and serves as a parking area which dead-ends at the railroad tracks. Located within this section of street is a one-inch water service line and an eight-inch sanitary sewer main. Also, of concern, is that the street closing will create a landlocked parcel (Lot #6). A copy of the map showing the portion of the street to be closed will be included in the Agenda packets.

Recommendation: It is recommended that the water and sewer lines, presently located in the right-of-way be abandoned, and that Parcels 4 and 6 be recombined into one lot. With this condition, staff recommends that the City Council adopt a Resolution of Intent to close the subject right-of-way and set a date for a public hearing on this matter. Consent Agenda approval: Walters/Calloway - 8 ayes.

RESOLUTION NO. (1983) 406

A RESOLUTION OF INTENT TO CONSIDER CLOSING A PORTION OF WEST LANE STREET RIGHT-OF-WAY AS DESCRIBED HEREIN AND DIRECTING NOTICE OF PUBLIC HEARING

WHEREAS, the City Council of the City of Raleigh, North Carolina, pursuant to North Carolina General Statute 160A-299, intends to close permanently the following street right-of-way:

> A portion of West Lane Street, located between North Harrington Street and North West Street

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the section of the street referred to above is intended to be closed permanently.

Section 2. That a public hearing will be held on Tuesday, January 17, 1984, in the Council Chamber, Room 315, Municipal Building, Raleigh, North Carolina, at 7:00 p.m., or as soon thereafter as the matter can be reached.

Section 3. That a copy of this resolution be mailed by certified mail to all owners of lots abutting on the above named street.

Section 4. That a copy of this resolution be published in a daily newspaper in the City of Raleigh once a week for four consecutive weeks.

Adopted: 12/6/83

STREET CLOSING - OLD LASSITER MILL ROAD - RESOLUTION OF INTENT ADOPTED

The Raleigh City Council has been petitioned to close a portion of Old Lassiter Mill Road. A copy of the map showing the portion of the street to be closed will be included in the Agenda packets.

This closing is being requested in conjunction with the subdivision of the surrounding property. The southern portion of the subject right-of-way will be dedicated for City of Raleigh greenway as per a condition of the subdivision. The northern portion will be deeded as portions of proposed Lots 7 and 8. No adverse comments have been received from the reviewing agencies concerning the closing of this right-of-way.

Recommendation: It is recommended that the City Council adopt a Resolution of Intent to close the subject right-of-way and set a date for a public hearing on this matter. Consent Agenda approval: Walters/Calloway - 8 ayes.

RESOLUTION NO. (1983) 407

A RESOLUTION OF INTENT TO CONSIDER CLOSING A PORTION OF OLD LASSITER MILL ROAD RIGHT-OF-WAY AS DESCRIBED HEREIN AND DIRECTING NOTICE OF PUBLIC HEARING

WHEREAS, the City Council of the City of Raleigh, North Carolina, pursuant to North Carolina General Statute 160A-299, intends to close permanently the following street right-of-way:

> BEGINNING at a point 749.47' to intersection of Old Lassiter Mill Road and Lassiter Mill Road. Thence along a curve to the left having a radius of 45.00 and a length of 86.46'. Thence along abandoned right-of-way the following courses and distances N 19° 10' 42" E-56.67'; N 22° 32' 35" E-211.97'; N 28° 32" 35" E-3.64' thence leaving western right-of-way S 60° 59' E-60.00' to a point on eastern right-of-way. Thence along the eastern right-of-way the following courses and distances S 22° 32' 35" W-207.06'; S 19° 10' 42" W-56.92'; S 03° 16' 38" W-25.05'; S 09° 58' 55" E-24.94'. Thence leaving eastern right-of-way N 66° 45' 19" W-21.77' to the point of BEGINNING and containing an area of 0.12 acres.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the section of the street referred to above is intended to be closed permanently.

Section 2. That a public hearing will be held on Tuesday, January 17, 1984, in the Council Chamber, Room 315, Municipal Building, Raleigh, North Carolina, at 7:00 p.m., or as soon thereafter as the matter can be reached.

Section 3. That a copy of this resolution be mailed by certified mail to all owners of lots abutting on the above named street.

Section 4. That a copy of this resolution be published in a daily newspaper in the City of Raleigh once a week for four consecutive weeks.

RESOLUTION 1983 - 416A

A RESOLUTION OF INTENT TO EXCHANGE REAL PROPERTY OF THE CITY OF RALEIGH FOR REAL PROPERTY OF LASSITER MILL ASSOCIATES.

WHEREAS, the City Council has received a proposal to exchange certain real property described as Lot A containing 0.03 acres and Lot B containing 0.17 acres, for certain real property of Lassiter Mill Associates described as Lot C containing 0.311 acres. All properties are located in the vicinity of Old Lassiter Mill Road and exact locations and descriptions of all properties are available in the City of Raleigh Planning Department and are according to a map entitled, "Land Swap."

WHEREAS, the values of the respective properties to be exchanged is approximately $6,600 per 1/10 of an acre; and,

WHEREAS, the City Council intends to authorize such an exchange in its regular meeting to be held on the 20th day of March, 1984;

NOW, THEREFORE, BE IT RESOLVED By the City Council of the City of Raleigh, that:

1. The City Clerk shall cause to be published at least 10 days prior to the 20th day of March 1984, a notice as required by General Statutes 160A-271.

2. At its regular meeting on the 20th day of March, 1984, the City Council intends to authorize the exchange of property described above.

ASSESSMENTS - UNCOLLECTED - REMOVED FROM LIST

The City's foreclosure attorney advises that the following assessments are considered to be uncollectible due to the length of time they have been outstanding on our collections list. These are assessments that were turned over in the past for foreclosure action and have now been returned with the attorney's recommendation that foreclosure proceedings not be initiated. City Council approval is needed to remove these accounts from the collections list.

Eaton, Williams, Heirs, Swain Street, 9175-W-002-5, $13.80; Eaton, Williams, Heirs, Swain Street, 9175-W-003-5, $26.75; Dr. George and Marjorie; 514 S. Blount Street; Debnam, 1070-D-002-5, $46.50; Ms. Sally Perry, Western Boulevard, 9600-P-001-2, $83.64.

Recommendation: Administration recommends that Council remove these assessments from our outstanding list for collections. Consent Agenda approval: Walters/Calloway - 8 ayes.

WEATHER FORECASTING SERVICES - CONTRACT WITH WEATHER SERVICES, INC. - APPROVED

For a number of years, the City has maintained an annual contract with Weather Services Corporation of Bedford, Massachusetts, to provide inclement weather forecasting assistance. This service supplements the general weather data information and is very helpful to our departments in making emergency response plans. The annual cost is $1,175 and funds are budgeted for this purpose.

Recommendation: It is recommended that the Council approve the annual contract with Weather Services Corporation. Consent Agenda approval: Walters/Calloway - 8 ayes.

TAXICAB OWNER'S PERMITS - APPROVED ON SECOND AND FINAL READING

It was pointed out during the November 15, 1983, Council Meeting, the following applications for taxicab permits were approved on a first reading with the understanding they would be placed on this Agenda for second and final consideration Administration recommends that Council approve these on a second and final reading: The following applications are for Franchise Renewals: Geno Robertson, Rainbow Cab Company; Oris H. Carrington, Sr., Ebony Cab Company.

The following applications are for Individual Owner's Permits: Rainbow Cab Company - Willie Eugene Yarbrough (Renewal); Ebony Cab Company - Fred Swan (Renewal), Robert L. Cox (Renewal), Mary E. Lucas (Renewal), James A. Dickins (Renewal), Ones E. Polk (Renewal), James L. Mitchell (Renewal), Alfonzo Meeks (Renewal), James Linwood Hooker (Renewal), Joseph Boyd, Jr. (Renewal), James Odell Howard (Renewal), Melvin Scott (Renewal), Excell Wilson (Renewal); and Acme Cab Company, Archie Graham Kenan (Renewal).

Consent Agenda approval: Walters/Calloway - 8 ayes.

LIMOUSINE SERVICE FRANCHISE - DIAMONDCUTTER LIMOUSINE SERVICES - APPROVED

Application has been received from Earl Arthur Jones to operate a limousine service. The application has been checked and meets the requirements of the City Code, and was approved on the first reading during the Council Meeting on November 15, 1983. The applicant has requested the name of the limousine service to be DiamondCutter Limousine Services. The City Attorney indicates it would be appropriate to consider this on a second and final consideration with the name being DiamondCutter Limousine Services. Consent Agenda approval: Walters/Calloway - 8 ayes.

TAXICAB OWNER'S PERMITS - APPROVED ON FIRST CONSIDERATION TO BE PLACED ON DECEMBER 20, 1983 AGENDA

Applications have been received from the following to operate a taxi. The applications have been checked and meet the requirements of Section 12-2053 of the City Code. Approval is recommended. If approved, these applications will be placed on the December 20, 1983, Agenda for second and final consideration.

The following applications are for Franchise Renewals:

Edgar W. Davis, Lincoln Cab Company

Abram Servance and Mrs. Emma S. Servance, Independent Cab and Limousine Service

The following applications are for Individual Owner's Permits:

Ebony Cab Company - Octavis Wilson; Lincoln Cab Company - William Leonard Roberts, William R. Sanders, Harlie M. Williams, William G. Hockaday.

Consent Agenda approval: Walters/Calloway - 8 ayes.

BUDGET AMENDMENTS - POLICE AND DOT - ORDINANCE ADOPTED

The Agenda presented a budget amendment in the Police Department in the amount of $2,000 to accept a donation from Winn Dixie and Vera Davis Parsons, WD Charities, Inc. and to have this amount be used in supporting the Police Summmer Basketball Program. The Agenda listed a second budget amendment in the Department of Transportation which is necessary to establish budget for Section 8 and 9A UMTA Planning Grants. This amendment is in the amount of $43,150. Administration recommends approval of the two budget amendments as outlined. Consent Agenda approval: Walters/Calloway - 8 ayes.

ORDINANCE NO. (1983) 240

AN ORDINANCE TO AMEND THE 1983/1984 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1983/1984 Budget Ordinance be amended as follows to establish budget for Section 8 and 9A UMTA Planning Grants;

Revenue:	02-1-5440-0100	UMTA NC 90-0002	$ 8,520.00
	02-1-5440-0101	UMTA NC 09-0095	$ 26,000.00
	02-1-5440-0102	State 84-P-03	$ 4,315.00
	02-1-5440-0103	City In-Kind	$ 4,315.00
Expense	02-2-5440-0000	UMTA NC 09-0095	$ -0-
	02-2-5440-0000	UMTA NC 90-0002	$ -0-
	02-2-5440-0100	Salaries	$ 32,792.00
	02-2-5440-0101	Fringes	$ 4,824.00
	02-2-5440-0103	In-Kind	$ 4,315.00
	02-2-5440-0231	Travel	$ 719.00
	02-2-5440-0260	Supplies	$ 500.00

Section 2. That the 1983/1984 Budget Ordinance be amended as follows to accept a $2,000.00 donation from Winn-Dixie and Vera Davis Parsons, WS Charities Inc. and to have this amount deposited into account 19-1-8500-0101 in order for the funds to be utilized in supporting the Police Summer Basketball Program:

Revenue:	19-1-8500-0101	Police Summer Basketball	$ 2,000.00
Expense:	19-2-8500-0100	Pol. Summer Basketball Misc.	$ 2,000.00

CD LOANS AND GRANTS - 516 WEST LENOIR STREET AND 809 EAST HARGETT STREET - APPROVED

The following Community Development rehabilitation loan and grant application has been researched and reviewed according to administrative procedures and is recommended for City Council approval. A copy of the application will be included in the Agenda packets.

Case Number: B-83-MC-001
Annie B. James
516 West Lenoir Street
Loan Amount: $ 8,450.00
Grant Amount: $ 9,200.00
Total Amount: $17,650.00

Recommendation: Approval is recommended.

The following Community Development rehabilitation loan application has been researched and reviewed according to administrative procedures and is recommended for City Council approval. (At the November 15, Council Meeting, it was concluded that this property should not be demolished. The property owner was to board up the building. Administration was to report to Council if work had not started within 60 days.) A copy of the application will be included in the Agenda packets.

Case Number: B-83-MC-002
Percy Foxwell
809 East Hargett Street
Loan Amount: $22,100.00

Recommendation: Approval of this loan application is recommended. Consent Agenda approval: Walters/Calloway - 8 ayes.

RETAINAGE REDUCTION - T.A. LOVING COMPANY - APPROVED

Administration has received a request from T. A. Loving Company, the contractor on the 54-inch water transmission main, requesting, in accordance with Section 00500, Article 5.2.3, of Contract Specifications, that their retainage be reduced from 10 percent to 5 percent effective with Partial Pay Estimate No. 10.

The progress on this project has been quite good, and is over 90 percent complete.

Recommendation: Approval of the reduction in retainage is recommended. Consent Agenda approval: Walters/Calloway - 8 ayes.

PRIVILEGE LICENSES - REQUEST FOR REFUNDS - APPROVED

Mr. Frank C. Presnell, Jr., owner of F. C. Presnell, Inc., located at 135 South Wilmington Street, has given written request for a refund of $110 for the 1983-84 privilege license year. The reason for this request is an overpayment of this year's privilege license tax. This request for refund has been verified.

Recommendation: It is recommended that the request for refund be approved.

Mr. C. Maurice Johnson, Jr., President of Johnson's Mobile Homes, Inc., located at 3311 North Boulevard, has given written request for a refund of $350 for the 1982-83 privilege license year. The reason for this request is an overpayment of this year's privilege license tax. It has been discovered that Mr. Johnson is licensed under North Carolina General Statute 105-89(c), Motor Vehicle Dealer. This request for refund has been verified.

Recommendation: It is recommended that the request for refund be approved.

Consent Agenda approval: Walters/Calloway - 8 ayes.

CIVIC CENTER - RENT-FREE USE - INFORMATION RECEIVED

The Agenda indicated approval has been granted for the rent-free use of the Northwest Exhibition Area at the Civic Center on January 11, 1984, for the Red Cross Blood Drive. The item was received as information without comment.

METHOD PARK IMPROVEMENTS - CHANGE ORDER G-1 - MANAGER'S ACTIONS CONCURRED WITH

The Agenda reported that the City Manager has administratively approved change order G-1 relating to Method park Improvements, J. C. Edwards Construction and Engineering, Inc. The change order is for an addition of $875. The Agenda listed the reason for the change order and budget accounts that have been amended administratively. Concurrence with the Manager's action is recommended. Consent Agenda approval: Walters/Calloway - 8 ayes.

TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS CONCURRED WITH

Council Members received in their Agenda packet a list of Administrative transfers which the City Manager has authorized according to Council procedure. All of these items are within account divisions. Concurrence with the Manager's action is recommended. Consent Agenda approval: Walters/Calloway - 8 ayes. The transfers were as follows:

FROM	TO	AMOUNT
38-2-2010-101	38-2-1000-100	$475.00
01-2-4040-734	01-2-4040-703	700.00
43-2-4010-240	43-2-4010-237	3.69
43-2-5090-228	43-2-5090-213	750.00
43-2-4150-231	43-2-4150-239	6.68
06-2-7100-002	06-2-7010-213	900.00
32-2-4495-101	32-2-4495-104	950.00
84-2-1330-000	84-2-1010-104	950.00
01-2-4020-228	01-2-4020-227	950.00
01-2-1220-260	01-2-1220-236	265.00
01-2-1220-700	01-2-1220-236	354.00
01-2-1220-700	01-2-1220-226	336.00
18-2-0800-100	18-2-0800-101	950.00

TRANSFERS - WITHIN VARIOUS ACCOUNTS AND APPROPRIATIONS FROM VARIOUS CONTINGENCIES - ORDINANCE ADOPTED

The Agenda listed recommended transfers within various accounts for purposes stated as stated therein and appropriations from various contingencies with recommendation of approval. Consent Agenda approval: Walters/Calloway - 8 ayes. See Ordinance 241 TF 10.

BID REQUEST 9-083-83 - LIQUID CHLORINE - BID AWARDED TO JONES CHEMICALS, INC.

Pursuant to advertising as required by law, bids were received and publically opened in the office of the Purchasing Agent of the City of Durham on November 7, 1983, pursuant to joint purchase award with results as follows: Annual price agreement, January 1, 1984, through December 31, 1984, - Jones Chemicals, Inc. - $594,480.00; McKesson Chemical, Inc., - $661,220; Southchem, Inc. - $661.20; Suffolk Chemical Company - $705,410. Administration recommends the low bid submitted by Jones Chemical, Inc. be awarded. Consent Agenda approval: Walters/Calloway - 8 ayes.

BID REQUEST 9-084-83 - LIQUID CAUSTIC - BID AWARDED TO SOUTHCHEM, INC.

Pursuant to advertisement as required by law, and according to joint purchasing agreement, bids were received and publically opened in the office of the City of Durham Purchasing Agent on November 7, 1983, for an annual price agreement for the period January 1, 1984, through December 31, 1984, for liquid caustic with results as follows: Southchem, Inc. - $412,090; Hultrachem, Inc. - $460,404; McKesson Chemical, Inc. - $554,190; Suffolk Chemical Company - $560,442.40. Administration recommends the low bid submitted by Southchem, Inc. be awarded. Consent Agenda approval: Walters/Calloway - 8 ayes.

BID REQUEST 9-085-83 - LIQUID ALUMINUM SULFATE - BID AWARDED TO AMERICAN CYANAMID COMPANY

Pursuant to advertising as required by law, and according to joint purchase agreement with the City of Durham, bids were received and publically opened in the City of Durham Purchasing Agent's office on November 7, 1983, for annual price agreement for the period January 1, 1983, through December 31, 1984, with results as follows: American Cyanamid Company - $370,335; Gewen Chemical Corp. - $437,348; Allied Chemical Corp. - $447,188.33. Administration recommends the low bid submitted by American Cyanamid Company be awarded. Consent Agenda approval: Walters/Calloway - 8 ayes.

BID REQUEST 9-086-83 - HYDROFLUOSILICIC ACID - BID AWARDED TO JONES CHEMICAL, INC.

Pursuant to advertisement as required by law, and according to joint purchase agreement with the City of Durham, bids were received and publically opened by the Durham Purchasing Agent on November 7, 1983, for an annual price agreement for the period January 1, 1984, through December 31, 1984, with results as follows: Jones Chemical, Inc. - $38,789.24; Encee Chemical Sales, Inc. - $38,789.24; Suffolk Chemical Company - $56,401.52. In the case of a tie bid, it was agreed to award to previous supplier; therefore, administration recommends the bid be awarded to Jones Chemical Inc. Consent Agenda approval: Walters/Calloway - 8 ayes.

BID REQUEST 10-111-83 - ROAD MAINTENANCE SALT - BID AWARDED TO CARGILL, INC.

Pursuant to advertisement as required by law, and according to joint purchase agreement, bids were received and publically opened in the City of Durham Purchasing Agent on October 25, 1983, for approximately 1,000 tons of road maintenance salt with results as follows: Cargill, Inc. - $34,200; Mortons Salt Division - $36,100; International Salt Company - $37,000. Administration recommends the low bid submitted by Cargill, Inc. be awarded. Consent Agenda approval: Walters/Calloway - 8 ayes.

BID REQUEST - 83-35 - PRINTING: "At YOUR SERVICE" - BID AWARDED TO BEDFORD PRINTING COMPANY

Pursuant to advertisement as required by law, bids were received and publically opened in the office of the Purchasing Agent on November 29, 1983, for printing approximately 50,000 copies of twelve issues of "At your Service" with results as follows: Bedford Printing Company - $11,086; Theo Davis Sons, Inc. - $10,320; Glover Printing Company - $10,440; Edwards and Broughton Company - $10,956. Administration recommends the low bid submitted by Bedford Printing Company be awarded. Consent Agenda approval: Walters/Calloway - 8 ayes.

BID REQUEST 83-36 - PALLET RACKS - BID AWARDED TO BLACKSTOCK'S, INC.

Pursuant to Advertisement as required by law, bids were received and publically opened in the office of the purchasing Agent on November 29, 1983, for Pellet Racks with results as follows: Blackstocks's, Inc. - $17,048.20. A bid was also received from Dillon Supply Company; however, there was no bid deposit. Therefore, Administration recommends that the low bid from Blackstock's Inc. be awarded with it being pointed out the bid from Dillon Supply Company was not the low bid. Consent Agenda approval: Walters/Calloway - 8 ayes.

BID REQUEST 83-37 - STAINLESS STELL REPAIR CLAMPS - DIFFERENT SIZES - BID AWARDED TO CITIES SUPPLY COMPANY, INC.

Pursuant to Advertisement as required by law, bids were received and publically opened in the office of the purchasing Agent on November 29, 1983, for ninety different sizes of stainless steel repair clamps with results as follows: Cities Supply Company, Inc. - $6,892.35, minus one percent; Pump and Lighting Company - $6,894.85; PYCO Supply Company, Inc. - $7,520. Administration recommends the low bid submitted from Cities Supply Company, Inc. be awarded. Consent Agenda approval: Walters/Calloway - 8 ayes.

BID - MEMORIAL AUDITORIUM ROOF REPAIRS - BID AWARDED TO AFGHAN ROOFING COMPANY, LTD.

Pursuant to Advertisement as required by law, bids were received and publically opened in the office of the Architect, H. S. Annis on November 17, 1983, for roof repairs for Memorial Auditorium with results as follows: Baker Roofing Company - $42,058; R. and W. Waterproofing, Inc. - $42,526; Deans Roofing Company, Inc. - $40,500; Hamlin Roofing Company - $71,766; Afghan Roofing Company, Ltd. - $19,987; Land-way Contractors, Inc. - $46,420. Administration recommends that the low bid submitted by Afghan Roofing Company, Ltd. be awarded. Consent Agenda approval: Walters/Calloway - 8 ayes.

PU PROJECTS 1983-17 AND 18 - NORTH RIDGE VILLAS/SUNNYBROOK ROAD AREA - RESOLUTIONS OF INTENT ADOPTED

Administration recommends that approximately 450 feet of 8-inch sanitary sewer main be installed within an easement from the existing main in North Ridge Villas northeastward approximately 450 feet to Lots 119 and and 175 on Tax Map 353. The estimated cost is $11,250 with assessment to be on the per lot basis. The request was made by David C. Holt, Sr., 1520 Spring Forest Road. Administration also recommends that approximately 950 feet of 8-inch sanitary sewer main be installed within Sunnybrook Road beginning at the Southern boundary of Grace Baptist Church southward, approximately 250 feet to Poole Road and hence 250 feet eastward along Poole Road. The estimated cost is $23,750 with assessment recommended on a front footage method. The request was made by Luen Thomas, Poole Road.

Administration recommends that the City Council adopt a resolution of intent to set a public hearing date for January 17, 1984. Consent Agenda approval: Walters/Calloway - 8 ayes.

RESOLUTION NO. (1983) 408

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO EXTEND THE SEWER SYSTEM OF THE CITY OF RALEIGH AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council of the City of Raleigh is authorized by Article 10 of Chapter 160A of the General Statutes of North Carolina to direct that the sewer system of the City of Raleigh be constructed, reconstructed, extended and otherwise improved and the cost thereof to be assessed against lands assessable therefor; and

WHEREAS, the City Council of the City of Raleigh finds it to be in the best public interest to construct sewer mains located and described as follows:

(a) P.U. 1983-17 - Installation of 450 feet± of eight-inch sanitary sewer main within an easement from the existing main in North Ridge Villas, northeastward 450 feet±, to Lots 119 and 175, on Tax Map 353. (Assessment on per lot basis to apply.)

(b) P.U. 1983-18 - Installation of 950 feet± of eight-inch sanitary sewer main within Sunnybrook Road, beginning at the southern boundary of Grace Baptist Church, southward 750 feet±, to Poole Road and hence 200 feet± eastward along Poole Road. (Assessment by front footage method to apply.)

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the above described improvements be made and that the costs thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to the provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessments will be made according to the following method: Front footage of property abutting the extension.

Section 3. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 4. That a public hearing on all matters covered by this resolution shall be held on the 17th day of January, 1984, at 7:00 p.m., in the Council Chamber, Room 315, Municipal Building, or as soon thereafter as the matter can be reached.

TRAFFIC - VARIOUS CHANGES - ORDINANCE ADOPTED

The Agenda presented recommended changes in lane channelization on Six Forks Road at Wake Forest Road, no parking on portions of Six Forks Road and no red turn on Maywood Avenue at Saunders Street. The Agenda outlined the need for the recommendation. Administration recommends approval. Consent Agenda approval: Walters/Calloway - 8 ayes.

ORDINANCE NO. (1983) 248

HILLSBOROUGH STREET TWO-WAY TRAFFIC OPERATION
TRAFFIC SCHEDULE REVISIONS

Delete from Traffic Schedule No. 6-B1:

St. Mary's Street northward at Hillsborough

Add to Traffic Schedule No. 6-B1:

Boylan Avenue northbound at Hillsborough Street
Hillsborough Street eastbound at St. Mary's Street
St. Mary's Street at Hillsborough Street
West Street southbound at Hillsborough Street

Delete from Traffic Schedule No. 6-B2:

Hillsborough Street, eastward at Morgan Street

Delete From Traffic Schedule No. 6-B3:

West Street, southward at Hillsborough Street

Add to Traffic Schedule No. 6-B3:

Boylan Avenue southbound at Hillsborough Street
Hillsborugh Street westbound at West Street

Delete from Traffic Schedule No. 6-B4:

Hillsborough, eastward at Boylan
Hillsborough, eastward at Glenwood Avenue
Hillsborough, westward at St. Mary's Street
Hillsborough, westward at West

Add to Traffic Schedule No. 6-B4:

Hillsborough Street eastbound at West Street

Delete from Traffic Schedule No. 6-B6:

Boylan Avenue, northward at Hillsborough Street
St. Mary's Street, northward at Hillsborough Street

Delete from Traffic Schedule No. 6-B7:

Boylan Avenue, southward at Hillsborough Street

Delete from Traffic Schedule No. 6-B8:

Hillsborough Street, eastward at Mayo Street

Add to Traffic Schedule No. 6-B10:

Hillsborough Street westbound at Mayo Street

Delete from Traffic Schedule No. 6-C1:

Hillsborough Street, westward at St. Mary's Street

Add to traffic Schedule No. 6-C1:

Hillsborough Street westbound at Boylan Avenue
Hillsborough Street westbound at Glenwood avenue

Delete from Traffic Schedule No. 6-C2:

Hillsborough Street, eastward at Dixie Trail

Add to Traffic Schedule No. 6-C2:

Hillsborough Street westbound at St. Mary's Street

Add to Traffic Schedule No. 6-C8:

Hillsborough Street westbound at Morgan Street

Add to Traffic Schedule No. 6-C8:

Hillsborough Street westbound at Morgan Street

Add to traffic Schedule No. 6-C15:

Morgan Street eastbound at Hillsborough Street

Delete from traffic Schedule No. 6-D2:

Hillsborough Street, westward at Glenwood Avenue

Delete from Traffic Schedule No. 6-D4:

Hillsborough Street, westward at Boylan Avenue

Add to Traffic Schedule No. 8-A

Hillsborough Street eastbound at Boylan Avenue
Hillsborough Street eastbound at St. Mary's Street

Delete from Traffic Schedule No. 9:

Hillsborough Street, westbound, from West Street to Morgan Street

Delete from Traffic Schedule No. 13:

Hillsborough Street, north side, west of St. Mary's 100 feet
Hillsborough Street, south side, from Glenwood to Boylan Avenue

Add to Traffic Schedule No. 13:

Hillsborough Street, both sides, from West street, westward 40 feet
Hillsborough Street, north side, from Glenwood Avenue to a point 310 feet west of St. Mary's Street
Hillsborough Street, north side, from Edenton Street connector, eastward 95 feet
Hillsborough Street, south side, from Boylan Avenue, eastward 130 feet
Hillsborough Street, south side, from Boylan Avenue, westward 80 feet
Hillsborough Street, south side, from Glenwood Avenue, westward 85 feet
Hillsborough Street, south side, from Glenwood Avenue, to a point 135 feet west of West Street
Hillsborough Street, south side, from Morgan Street, eastward 75 feet
Hillsborough Street, south side, from St. Mary's Street, westward 270 feet

Delete from Traffic Schedule No. 14:

Hillsborough Street, north side, from Boylan Avenue, eastward 188 feet

Add to Traffic Schedule No. 15-D:

Hillsborough Street, south side, between Boylan Avenue and Glenwood Avenue

Delete from Traffic Schedule No. 17:

Hillsborough Street, north side, beginning at a point 114 feet west of Glenwood Avenue, westward 49 feet

Delete from Traffic Schedule No. 19:

Hillsborough Street, north side, at Mayo Street 56 feet

Add to Traffic Schedule No. 20-C:

Hillsborough Street, north side, beginning at a point 35 feet east of Glenwood Avenue, eastward 60 feet

Delete from Traffic Schedule No. 20-D:

Hillsborough Street, both sides, from Salisbury Street to West Street
Hillsborough Street, both sides, from West Street to 90 feet east of Edenton Street
Hillsborough Street, north side, between Glenwood Avenue and Boylan Avenue

Add to Traffic Schedule No. 20-D:

Hillsborough Street, both sides, between Salisbury Street and Edenton Street

That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

That this Ordinance shall become effective January 16, 1984.

Adopted: 12/6/84

Effective: 1/16/84

ORDINANCE NO. (1984) 248A

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 13 entitled "NO PARKING ZONES" be amended by adding the following:

Hillsborough Street, south side, from Snow Avenue, westward 40 feet

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective January 16, 1984.

Adopted: 12/6/84

Effective: 1/16/84

ORDINANCE NO. (1983) 242

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Schedule No. 1B entitled "NO TURN ON RED" be amended by deleting the following:

Maywood Avenue and Saunders Street, westbound

Section 2. That Schedule 6B1 entitled "CHANNELIZATION: be amended by deleting the following:

Six Forks Road, westward at Wake Forest Road

Section 3. That Schedule No. 6C3 entitled "CHANNELIZATION" be amended by deleting the following:

Six Forks Road, eastward at Wake Forest Road

Amend said section further by adding the following:

Six Forks Road at Wake Forest Road

Section 4. That Schedule No. 13 entitled "NO PARKING" be amended by adding the following:

Six Forks Road, both sides, from Wake Forest Road, eastward 780 feet

Amend said section further by deleting the following:

Six Forks Road, both sides, east of Wake Forest Road 150 feet
Six Forks Road, north side, beginning at a point 410 feet east of Wake Forest Road, eastward 50 feet
Six Forks Road, north side, beginning at a point 695 feet east of Wake Forest Road, eastward 86 feet
Six Forks Road, south side, beginning at a point 325 feet east of Wake Forest Road, eastward 300 feet

Section 5. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. That this ordinance shall become effective December 13, 1983.

END OF THE CONSENT AGENDA

TRANSFER - PARKS AND RECREATION DEPARTMENT - APPROVED - ORDINANCE ADOPTED

This was a request for a transfer of $3,392 from the Carolina Pines Lighting account to the Biltmore Hills Lighting Account. The Agenda indicated the purpose of the transfer is to place sufficient funds into an account for the lighting in Biltmore Hills Park. Mr. Keller indicated he had asked that this be pulled from the Consent Agenda questioning why the transfer is being made from Carolina Pines Lighting and if this meant that there would be no lighting in that area pointing out they do need the lighting and development. Assistant City Manager Benton indicated this is an accounting requirement pointing out we have a contract that has worked on going and we need to move the money from one account to another to allow payment of the bill. He stated this will not increase or decrease any project, just an accounting function. Mr. Keller questioned if this meant putting off any work, with Mr. Benton indicating it did not. Mr. Keller moved approval of the transfer as recommended. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 241 TF 10.

REPORT OF THE PLANNING COMMISSION

PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Planning Commission Consent Agenda, indicating it would be handled in the same manner as the regular consent Agenda. Mrs. Block requested that CR-3073 (Z-105-83); CR-3074 (Rezoning Z-108-83); CR-3079 (Z-115-83); CR-3082 (Z-119-83); and CR-3088 (Z-128-83) be withdrawn. Ms. Babb requested that CR-3083 (Z-116-83) be withdrawn. Mr. Walters requested that CR-3072 (Z-104-83) and CR-3085 (Z-125-83) be withdrawn. Mr. Keller requested that CR-3089 (Z-131-83) and CR-3090 (Z-132-83) be withdrawn. Without objection, all of these items were withdrawn. Mr. Calloway moved that the Planning Commission's recommendation on the remaining items on the Consent Agenda be upheld. His motion was seconded by Mr. Keller and a roll call resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

The items on the Consent Agenda were as follows:

Z-129-83 - OLD LASSITER MILL ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately .67 acre from Industrial-II to Residential-4.

CR-3063 from the Planning Commission recommended that Z-129-83 be approved as requested. Consent Agenda approval: Calloway/Keller - 8 ayes. See Ordinance 243 ZC 130.

S-46-83 - LASSITERS' MILL - APPROVED WITH CONDITIONS

This was a request for approval to subdivide eight (8) acres into 15 lots, zoned Residential-4 (7.33 acres) and Industrial-II (.67 acre). The City has received a request to rezone the Industrial-II area to Residential-4. (See Z-129-83) (See 3064) agreement between the City and the developer attached to Certified Recommendation

The property is located on the west side of Lassiter Mill Road, inside the City Limits.

CR-3064 from the Planning Commission recommended that this request be approved according to a map entitled, "Lassiters' Mill," the property of Thom Williams and Associates, drawn by B. Kenneth Martin, dated March 26, 1983, revised November 8, 1983, November 14, 1983, and November 16, 1983, according to the stipulations outlined in the agreement between the City and the developer attached to Certified Recommendation 3064. Consent Agenda approval: Calloway/Keller - 8 ayes.

S-56A-83 - LONDONDERRY - PHASE 3 - TOWNHOUSES - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 12.13 acre parcel, zoned Residential-10, into two (2) lots - 1.63 acres and 10.5 acres - and construct 83 townhouse units on the 10.5 acre parcel. The site is currently being developed as townhouses.

The property is located on the north side of Pleasant Grove Church Road and Bushmills Street, inside the City Limits.

CR-3065 from the Planning Commission recommended that this request be approved according to a map entitled, "Londonderry - Phase 3 - Townhouses," the property of Jordan H. Parker, drawn by James A. Bridger, Jr., PE, dated August 30, 1983, with the condition that the legal documents for the townhouse homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval: Calloway/Keller - 8 ayes.

S-56B-83 - LONDONDERRY - PHASE 3 - CONDOMINIUMS

This was a request for approval of a 16-unit, one-building condominium project on a 1.63 acre parcel which is currently undeveloped and zoned Residential-10.

The property is located at the north end of Waterside Drive, just north of Pleasant Grove Church Road, inside the City Limits.

CR-3066 from the Planning Commission recommended that this request be approved according to a map entitled, "Londonderry - Phase 3 - Condominiums," the property of Jordan H. Parker, drawn by James A. Bridger, Jr., PE, dated August 30, 1983. Consent Agenda approval: Calloway/Keller - 8 ayes.

PA-195 - NORTH CAROLINA FEDERAL BUILDING - APPROVED

This was a request for approval to construct a driveway off of Falls of the Neuse Road, across an area zoned Conservation/Buffer. Approval is also requested to remove some undesirable vegetation within the same Conservation/Buffer area.

The property is located on the southeast corner of Falls of the Neuse Road and Cedarhurst Drive, inside the City Limits.

CR-3067 from the Planning Commission recommended that this request be approved according to a map entitled, "North Carolina Federal Building," the property of Austin Mullins Associates, drawn by Little and Little, dated October 21, 1983. Consent Agenda approval: Calloway/Keller - 8 ayes.

SC-215 - BIG STAR RENOVATIONS AT CAMERON VILLAGE - APPROVED

This was a request for approval to renovate and add 861 square feet to the existing food store on a 2.8 acre tract, zoned Shopping Center. The site is developed as a food store and offices and a retail business.

The property is located at the northeast corner of Woodburn Road and Cameron Street, inside the City Limits.

CR-3068 from the Planning Commission recommended that this request be approved according to a map entitled, "Big Star Renovations at Cameron Village," the property of Big Star Food Stores and Cameron Village, Inc., drawn by White and Slack, Architects, dated October 3, 1983. Consent Agenda approval: Calloway/Keller - 8 ayes.

SC-218 - PIZZA HUT ADDITION AT KIDDS HILL - APPROVED

This was a request for approval to construct a 384 square foot addition onto an existing restaurant on a 8± acre parcel, zoned Shopping Center.

The property is located on the east side of Creedmoor Road, just south of Glenwood Avenue, in Kidds Hill Shopping Center, inside the City Limits.

CR-3069 from the Planning Commission recommended that this request be approved according to a map entitled, "Pizza Hut Addition at Kidds Hill," the property of Pizza Hut Restaurant, drawn by Fred Tolson Associates, Inc., dated November 10, 1983. Consent Agenda approval: Calloway/Keller - 8 ayes.

Z-110-83 - LEESVILLE ROAD - DENIED

This was a request for approval to rezone approximately 40 acres from Residential-4 to Office and Institution-I (all property within 900 feet of Leesville Road, being approximately 14 acres), and to Residential-10 (26 acres, being the southern portion of the tract).

CR-3076 from the Planning Commission recommended that Z-110-83 be denied. Consent Agenda approval: Calloway/Keller - 8 ayes.

Z-112-83 - LEAD MINE ROAD - APPROVED

This was a request for approval to rezone approximately 7.5 acres from Residential-4 to Residential-6.

CR-3077 from the Planning Commission recommended that Z-112-83 be approved as requested. Consent Agenda approval: Calloway/Keller - 8 ayes. See Ordinance 243 ZC 130.

Z-117-83 - BUFFALOE ROAD - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 63.9 acres from Residential-4 to (57.2 acres) and Residential-1 (6.7 acres) to Residential-6.

CR-3081 from the Planning Commission recommended that Z-117-83 be approved as amended; that is, that the 6.7 acres currently zoned Residential-1 be rezoned to Residential-4 and the remainder of the property (57.2 acres) remain Residential-4. Consent Agenda approval: Calloway/Keller - 8 ayes. See Ordinance 243 ZC 130.

Z-120-83 - POOLE ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 29.1 acres from Residential-6 to Office and Institution-II.

CR-3083 from the Planning Commission recommended that Z-120-83 be approved as requested. Consent Agenda approval: Calloway/Keller - 8 ayes. See Ordinance 243 ZC 130.

Z-124-83 - PECAN ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately .9 acre from Residential-10 to Neighborhood Business.

CR-3084 from the Planning Commission recommended that Z-124-83 be approved as requested. Consent Agenda approval: Calloway/Keller - 8 ayes. See Ordinance 243 ZC 130.

REZONING Z-126-83 - WEST JOHNSON STREET - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately one-half acre from Residential-6 to Office and Institution-I.

CR-3086 from the Planning Commission recommended that Z-126-83 be approved as requested. Consent Agenda approval: Calloway/Keller - 8 ayes. See Ordinance 243 ZC 130.

TC-253 - STREET CONSTRUCTION RESPONSIBILITY - APPROVED - ORDINANCE ADOPTED

This was a request for approval to amend Sections 10-3047(a) and 10-3049(a) and (d) to clarify the maintenance of the longstanding practice of requiring subdividers to make street improvements whenever their subdivisions fully embrace, or merely adjoin on one side, streets shown on the Comprehensive Plan.

CR-3091 from the Planning Commission recommended that TC-253 be approved as presented, according to the ordinance attached to Certified Recommendation 3091. Consent Agenda approval: Calloway/Keller - 8 ayes.

ORDINANCE NO. (1983) - 244 TC 204

AN ORDINANCE TO CLARIFY SUBDIVIDERS' RESPONSIBILITY FOR CONSTRUCTING STREETS.

WHEREAS, N.C.G.S. 160A-372 and Chapter 921, 1955 Session Laws authorize the City of Raleigh to require subdividers to construct community service facilities in accordance with municipal policies and standards;

WHEREAS, Chapter Three of Part 10 of the Raleigh City Code has been applied to require subdividers to construct streets which embrace any part of the City transportation plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA that:

Section 1. Section 10-3047(a) of the Raleigh City Code relating to paving widths is amended to insert immediately after the word "be" the word "constructed."

Section 2. Section 10-3049(a) of the Raleigh City Code entitled Street Construction Inside City is reentitled to read "Street Construction Through and Adjoining Subdivisions.".

Section 3. Section 10-3049(a) of the Raleigh City Code is amended to add a new paragraph which is the third and fourth sentences of Section 10-3049(c). The new paragraph is to follow the last paragraph of 10-3049(a) and shall read as follows: "Where a residential subdivision abuts a "major thoroughfare" as delineated by the thoroughfare plan which is on file in the office of the City Clerk and Treasurer, but all lots front on interior streets, and there is no private driveway onto the thoroughfare, the subdivider shall dedicate any additional right-of-way required for the major thoroughfare, but shall not be required to construct or improve the major thoroughfare. In such a case, the recorded subdivision plat shall indicate that none of the subdivision's lots shall receive any access from the major thoroughfare, provided nothing contained in this subsection shall prohibit the City from requiring the subdivider to construct or improve acceleration or deceleration lanes.".

Section 4. The titles of Raleigh City Code sections 10-3049(b) "Grading and improving," and 10-3049(d) "Underground utilities," are hereby italicized.

Section 5. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 6. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 7. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 8. This ordinance shall be enforced as provided in N.C.G.S. 160A-175.

Section 9. This ordinance shall become effective five days following its adoption.

Section 10. This ordinance has been filed with the Wake County Register of deeds as required by law.

Adopted: 12/6/83

Effective: 12/11/83

TC-254 - DEPARTMENT OF INSPECTIONS - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to amend the City Code to establish a Department of Inspections for the City of Raleigh.

CR-3092 from the Planning Commission recommended that TC-254 be approved as amended, according to the ordinance attached to Certified Recommendation 3092. Consent Agenda approval: Calloway/Keller - 8 ayes. See Ordinance 244 TC 205.

ORDINANCE NO. (1983) - 245 TC 205

AN ORDINANCE TO ESTABLISH AN INSPECTIONS DEPARTMENT.

WHEREAS, G.S. 160A-411 authorizes the City of Raleigh to establish an inspections department.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA:

Section 1. That unless otherwise provided in this ordinance, the words "inspections division" and "building inspector" wherever they appear in the Raleigh City Code are changed to read: "department of inspections".

Section 2. That unless otherwise provided in this ordinance the words "inspections superintendent" and chief inspector" wherever they appear in the Raleigh City Code are changed to read: "director of inspections".

Section 3. That the title to Part Seven of the Raleigh City Code wherever it appears in the Raleigh City Code is changed from "Public Works and Code Enforcement" to read: "Public Works." The chapter headings appearing at the beginning of Part Seven of the Raleigh City Code are repealed, rewritten and reenacted to read:

"Ch. 1. The Department of Public Works
Ch. 2. Street Maintenance
Ch. 3. Solid Waste Management".

Section 4. Subsection 7-1002(4) of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows:

"(4) Providing custodial service for the municipal building, the annex, sanitation facilities, equipment service depot, street maintenance buildings and facilities, and other city properties determined by the city manager; maintaining physical plant operations in the municipal building, the annex, sanitation facilities, equipment service depot, street maintenance building and facilities, and other city properties determined by the city manager; providing assistance for physical plant operations to city facilities such as fire stations, park and recreation buildings, water and sewer plants.".

Section 5. Subsection 7-1002(6) of the Raleigh City Code is hereby repealed in its entirety. The state law reference following subsection 7-1002(6) is amended to delete therefrom the following: "building Inspections G.S. 160A-411 et seq; abatement of health nuisances G.S. 160A-193.".

Section 6. Subsection 7-2001(a)(2) of the Raleigh City Code is amended to add a cross reference 5 and cross reference shall read as follows, "Cross Reference: Sidewalks and driveways Part 10, Chapter 7.". The word "chapter" appearing in the first sentence of Raleigh City Code Section 7-2005(c) is changed to read "code".

Section 7. The title to Section 7-2002 of the Raleigh City Code is amended to delete the following language: "; permit required." Said Section is further amended to delete subsection 7-2002(1) and in lieu thereof subsection 7-2004(a) is substituted; subsections 7-2002(2) through (5) are recodified as subsections 7-2002(b) through (e). Subsection 7-2002(d)(1)c (formerly 7-2002(4)a.3 is amended to replace the word "site" with the word "property" at the end of the second sentence.

Section 8. Section 7-2002 of the Raleigh City Code is hereby amended to recodify subsections 7-2004(d) through (g) as subsections 7-2002(f) through (i), and recodified subsection 7-2002(i) is reentitled to read "Driveway Construction". Said section is further amended to recodify subsections 7-2004(i) and (j) as subsections 7-2002(j) and (k), and 7-2002(k) is amended to add at the end of the second sentence the following language: "or sidewalks".

Section 9. Section 7-2003 of the Raleigh City Code is recodified as Raleigh City Code Section 12-1037.1.

Section 10. Section 7-2004 of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows:

"Sec. 7-2004 Sidewalk and Driveway Permit.

(a) No sidewalk or driveway shall be constructed until a permit has been issued by the Department of Inspections, the fees prescribed paid, the provisions of 7-2001 complied with, and the permit has been posted in a conspicuous place at the site of the authorized work.

(b) No permit shall be issued to any person, firm or corporation who has failed after notice to remedy defective work or to otherwise comply with provisions for which a permit is required by this chapter or by this code. No permit shall be issued for the construction of a sidewalk for only a part of a block.

(c) No person shall pave, construct, widen, or reconstruct a sidewalk or driveway across any public sidewalk, walkway or parkway, or into any street or alley, or cut any curb for the construction of a driveway without first having obtained a permit therefor as required herein. Fees for permits shall be according to the following schedule and shall be paid to the Department of Inspections at the time of issuance of permit:

Sidewalks.....$12 or 5¢ per linear foot, whichever is greater

Driveways.....$12 each

Reinspections.....$10 each reinspection

The permit holder shall pay the actual cost of any compaction test or material test required by the central engineering department.

Cross Reference: The department of central engineering performs inspections with regard to driveway width, location, number and construction specifications. See Part 6.

(d) Application for such permit shall be made to the Department of Inspections in duplicate, and shall state, among other things, the location, grade, and dimensions of the proposed sidewalk or driveway and the purpose for which it is desired. If the proposed driveway or sidewalk complies with provisions of this code the Department of Inspections shall issue a permit therefor. Two (2) sets of plans showing all pertinent information shall accompany the application for all commercial or filling station driveways. Plans for residential driveways shall be furnished when requested by the traffic engineer. The applicant shall comply with Section 7-2001, and all other ordinances and regulations of the city.

(e) Existing driveways.

(1) Existing driveways shall not be relocated, altered or reconstructed without a permit approving the relocation, alteration or reconstruction, and such driveways shall be subject to the limitations as set forth in this section.

(2) When, in the opinion of the city manager or his agent, an existing driveway has been abandoned or is no longer needed to serve abutting property or when the city council determines that a driveway should be closed in whole or in part, it shall be the duty of the abutting property owner to restore the curbs and sidewalks to the standard described in this chapter. The procedure described in Section 7-2005 shall be followed to require the restoration".

Section 11. The editorial note following subsection 7-2005(d) is repealed. A new cross-reference following state law reference Article 10 of Chapter 160A is added to said subsection which shall read as follows: "Cross-Reference: Street and Sidewalk Improvements Part 6, Chapter 2.".

Section 12. Chapter 4, Part 7, Article B is reentitled to read: "Department of Inspections".

Section 13. Section 7-4021 of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows:

"Sec. 7-4021. Director, officers and employees.
The Department of Inspections shall consist of a director of of Inspections, an assistant director, a housing inspections administrator, a construction inspections administrator, a permit office administrator and such other officers and employees as deemed necessary and whose salaries shall be fixed by the council. The director of inspections shall be the department head.

State Law Reference - Building Inspections G.S. 160A-411.".

Section 14. Section 7-4022 of the Raleigh City Code is amended to delete in its entirety the definition of building inspector contained in 7-4022(2); subsections 7-4022(3) through 7-4022(5) are relettered 7-4022(2) through 7-4022(4).

Section 15. Section 7-4023 of the Raleigh City Code is reentitled to read: "Functions and duties of the department.".

Section 16. Section 7-4023(a) of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows:

"(a) It shall be the duty of the department of inspections to enforce all the provisions of this chapter, the regulatory codes adopted herein, Part 10, Chapter 2 "Zoning"; Part 10 Chapter 4, "Floodprone Area Regulations"; Part 10, Chapter 5, "Soil Erosion and Sedimentation Control"; Part 10, Chapter 7, "Sidewalks and Driveways"; "Removal and Disposal of Junked and Abandoned Motor Vehicles"; and Part 12, Chapter 6, "Health, Sanitation and Public Nuisances"; and to make all inspections necessary to determine the compliance with the provisions and to exercise all duties and powers imposed or given by applicable General Statutes or any other applicable act of the General Assembly of the State of North Carolina.".

Section 17. Section 7-4022, as amended, of the Raleigh City Code is renumbered 7-4023, and section 7-4023, as amended, of the Raleigh City Code is renumbered 7-4022.

Section 18. Following section 7-4024(a)(2)g of the Raleigh City Code add the following: "State Law Reference: Inspections of Work in Progress G.S. 160A-420.".

Section 19. The first sentence of section 7-4032(a) of the Raleigh City Code is hereby amended to conform to 1983 Session Laws C377 by inserting after the word "repair" the following language: "movement to another site,".

Section 20. Add to the state law reference following 7-4032(f) "and G.S. 160A-458.1".

Section 21. Section 7-4039(a) of the Raleigh City Code is hereby repealed in its entirety, rewritten, and reenacted to read as follows:

"(a) Building permits. Subject to the provisions of section 7-4032 herein fees for building permits shall be as follows:".

Section 22. Section 7-4040 of the Raleigh City Code relating to enforcement of other codes and ordinances is hereby amended to delete the word "and" from 7-4040(2) and to add three new subsections which shall follow subsection 7-4040(3) which shall read as follows:

"(4) sidewalks and driveways (Part 10, Chapter7);

(5) removal and disposal of junked and abandoned motor vehicles (section 11-2028); and

(6) health, sanitation and public nuisances (Part 12, Chapter 6).".

Section 23. Following Raleigh City Code section 7-4041 add the following: "State Law Reference: G.S. 160A-422.".

Section 24. Subsection 7-4052(2) of the Raleigh City Code relating to the definition of unsafe buildings is hereby repealed in its entirety, rewritten, and reenacted to read as follows:

"(2) Those buildings which because of their condition are unsanitary or unsafe to the public.".

Section 25. The first sentence of section 7-24053(a) of the Raleigh City Code is amended by replacing the words "chief inspector" and in lieu thereof inserting the following: "director of inspections or his designee.". The second sentence of section 7-4053(a) of the Raleigh City Code relating to unsafe buildings is hereby repealed, in its entirety, rewritten, and reenacted to read as follows:

"The Council may direct by ordinance the department of inspections to repair or demolish the building or structrue the cost of which shall be a lien against the premises as set forth in Part 12, Chapter 6 of this Code.".

Section 26. Following subsection 7-4053(b) of the Raleigh City Code add the following: "State Law Reference: Abatement of Public Health Nuisances, G.S. § 160A-193.".

Section 27. Section 7-4054 of the Raleigh City Code is hereby amended to correct a wrong reference by replacing the language "Article 19, Part 5 of Chapter 160A of the General Statutes of North Carolina.", and in lieu thereof the following language is substituted: "Section 160A-193 of the General Statutes of North Carolina.".

Section 28. The first sentence of section 7-4055 of the Raleigh City Code relating to emergency cases is hereby repealed in its entirety, rewritten, and reenacted to read as follows: "In cases where it appears that there is an imminent danger to life or safety of any person unless an unsafe building as defined in 7-4052 is immediately repaired, vacated, closed, or demolished, the director of inspections shall order its immediate repair, evacuation, closing, or demolition as he may deem necessary, notwithstanding the other provisions of this article.". Add to the end of this section the following: "State Law Reference: Order to take corrective action, G.S. 160A-429.".

Section 29. Subsection 7-4071(d) of the Raleigh City Code is hereby repealed in its entirety and subsection 7-4071(e) is relettered 7-4071(d).

Section 30. The words "plumbing inspector" appearing in the second sentence of subsection 7-4075(a) of the Raleigh City Code are replaced with the following words: "director of inspections or his designee".

Section 31. The fourth sentence of section 7-4075(a) of the Raleigh City Code is hereby repealed in its entirety, rewritten and reenacted to read as follows: "The members of the board shall be appointed by the council of the city as provided in section 1-4002 of this code. The board shall elect from its membership a chairman and vice-chairman. The members shall serve without compensation, except that the council may prescribe and authorize the payment of a per diem allowance for attendance upon meetings not to exceed ten dollars ($10.00) per meeting per member.".

Section 32. Section 7-4075(c) of the Raleigh City Code is hereby amended to add a new sentence to follow the second sentence, said new sentence shall read as follows: "Any journeyman plumber so licensed by the board, and who for three (3) consecutive years shall fail to have his license renewed, shall be examined by the board before another license shall be issued to him.".

Section 33. The words "plumbing inspector" wherever appearing in subsection 7-4075(g) of the Raleigh City Code are replaced with the words "director of inspections".

Section 34. Sections 7-4075(h) and 7-4151(g) of the Raleigh City Code are hereby amended to delete the words "examining board" appearing in the last sentence and in lieu thereof the following language is inserted, "City of Raleigh; all collected fees shall be promptly turned into the revenue collector.".

Section 35. The words "plumbing inspector" wherever appearing in subsection 7-4081(a) are replaced with the words "department of inspections".

Section 36. Sections 7-4109 and 7-4110 of the Raleigh City Code relating to administrative and city liability are recodified as sections 7-4026 and 7-4027 respectively. Sections 7-4109 and 7-4110 are reserved for future use.

Section 37. Subsection 7-4121(a) of the Raleigh City Code is amended to add immediately after the words "City of Raleigh" and "City" the following language: "and its extraterritorial jurisdiction".

Section 38. The word "chapter" appearing in the first sentence of Raleigh City Code subsection 7-4121(c) is replaced to read "article".

Section 39. Subsection 7-4121(c)(9) of the Raleigh City Code relating to the definition of inspector is hereby repealed, rewritten, and reenacted to read as follows: "(9) Inspector shall mean the director of inspections or his authorized inspectors. In addition to the powers and responsibilities granted in this article, the director of inspections or his designee shall exercise the powers and responsibilities given to "public officer" in Chapter 160A, Article 19 Part 6 of the General Statutes of North Carolina.".

Section 40. The editor's note following section 7-4122 is deleted.

Section 41. The words "of this part" appearing at the end of subsections 7-4122(4)(h), 7-4123(a)(2) and 7-4123(a)(3) of the Raleigh City Code are replaced with the following language,", Part 7 of this Code".

Section 42. Subsection 7-4124(b)(4) of the Raleigh City Code is hereby amended to add after the word "sanitation" the following language: ", heating and air-conditioning,".

Section 43. The first sentence of subsection 7-4125(a) of the Raleigh City Code is amended to add immediately following the word "city" the following language: "and its extraterritorial jurisdiction".

Section 44. Section 7-4126 of the Raleigh City Code is amended to delete the word "building" appearing in the first line of said section.

Section 45. The second sentence of section 7-4132 of the Raleigh City Code is amended to conform to 1983 Session Laws C698 by inserting between the words "dwelling" and "and" the following language: ", and any personal property; fixtures; or appurtenances found in or attached to the dwelling,".

Section 46. Section 7-4138 of the Raleigh City Code is repealed in its entirety.

Section 47. Section 7-4151(d) of the Raleigh City Code is amended to add a new sentence, said sentence is to follow the second sentence and shall read as follows: "Any journeyman in the hearting, air conditioning, refrigeration and ventilation fields so licensed by the board, and who for three (3) consecutive years shall fail to have his license renewed, shall be examined by the board before another license shall be issued to him.".

Section 48. Article H, Heating, Air Conditioning, Refrigeration and Ventilation Examining Board of the Raleigh City Code is recodified as Article F section 7-4095; sections 7-4096 through 7-4100 are reserved for future use in this article. Articles F, (Electrical Code) and G, (Housing Code) are recodified as Articles G and H respectively.

Section 49. Section 7-4161 of the Raleigh City Code is repealed and recodified as section 13-2028 of the Raleigh City Code. Sections 7-4161 through 7-4170 are reserved for future use in Article H.

Section 50. Article J, Chapter 4 of Part 7 of the Raleigh City Code is redesignated as Article I, Chapter 4, Part Seven.

Section 51. Chapter 5, Part 7 of the Raleigh City Code is hereby repealed and recodified as Chapter 6 Part 12 sections 12-6001 through 12-6004. The chapter headings appearing on page 12-1 supp. no. 3-82 are amended to add a new chapter which shall read "Ch. 6 Health, Sanitation and Public Nuisances.

Section 52. That unless otherwise provided in this ordinance, the words "building inspector" and "chief inspector" wherever they appear in Part 10 of the Raleigh City Code are changed to read: "department of inspections".

Section 53. Section 10-2049(i)(2) of the Raleigh City Code is amended to change the words "building inspector or similar official" to read: "the director of inspections or his designee".

Section 54. Subsection 10-2061(a) of the Raleigh City Code is hereby amended to change the words "building inspector or by any other official of the city" wherever they appear to read: "department of inspections".

Section 55. The first sentence of section 10-2091 and the third sentence of section 10-2092 of the Raleigh City Code are amended to change the words "building inspector, who" to read: "department of inspections which". The word "him" appearing in the second sentence of 10-2092 is changed to read "it".

Section 56. Add to the state law references following section 10-4001 of the Raleigh City Code the following language: "; floodway regulations, G.S. 160A-458.1". Add to the state law references following section 10-5001 the following language: "; erosion and sedimentation control, G.S. 160A-458".

Section 57. part ten of the Raleigh City Code, including the chapter designation appearing on page 10-1, is hereby amended to add two new chapters: Chapter 6. Building and Housing Code Enforcement; Chapter 7. Sidewalks and Driveways. Said new chapters being respectively chapters four and two of part seven, as amended. Chapter 6 part 10 shall contain nine articles, A - I, and it shall begin with section

10-6001, Scope of Chapter and Codes, (formerly section 7-4001) and shall conclude with section 10-6172 relating to permit requirements in flood-prone areas for mobile homes (formerly section 7-4172). Chapter seven part 10 shall contain two sections 10-7001 and 10-7002 (formerly sections 7-2002, 7-2004 as amended herein).

Section 58. Chapter two of part seven is hereby reentitled "street maintenance" and shall consist of seven sections: 7-2001 as amended herein sections 7-2005 through 7-2010 which are recodified 7-2002 through 7-2007 respectively. Chapter four of part seven is hereby repealed in its entirety.

Section 59. All references contained in the Raleigh City Code, including cross-references, are amended to conform with new part, chapter, article, and section designations.

Section 60. Add the following: "Cross-Reference - Issuance of permits for gasoline pumps, Sections 10-6036 and 10-6101(c)(3)." following sections 10-2043(b)(1)h.6., 10-2044(a), 10-2045(1)(e), 10-2045.1(1)(j), 10-2046(a)(14) and 10-2047.

Section 61. At the end of subsection 10-2073(c)(15) add the following: "Cross-Reference - Helicoper Operations, inside the city section 13-2005.".

Section 62. At the end of subsection 10-2073(c)(24) add the following: "Cross-Reference - Minimum Housing Standards for Rooming Houses, section 10-6123(b).".

Section 63. At the end of subsection 10-2073(c)(23) add the following: "Cross-Reference - Stables and Holding Facilities inside the City, sections 12-3031 through 12-3034.".

Section 64. At the end of subsection 10-2073(c)(26) add the following: "Cross-Reference - Kennels and Catteries inside the City Part 12 Article D.".

Section 65. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 66. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 67. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 68. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 69. This ordinance shall become effective January 1, 1984.

ADOPTED: 12/6/83

EFFECTIVE: 1/1/84

CP-7-83 - MORGAN'S WAY-DELETION APPROVED

This was a request for approval to delete a portion of the proposed Morgan's Way-Bridgeport Drive connector, east of Creedmoor Road, as a collector street from the Major Street Plan Map T-1, page 59 of the Comprehensive Plan adopted by Resolution No. (1979) 949, on June 19, 1979, and for the North District Collector Street Plan, Map N4B, adopted by Resolution (1983) 308 on August 2, 1983.

CR-3093 from the Planning Commission recommended that CP-7-83 be approved as requested. Consent Agenda approval: Calloway/Keller - 8 ayes.

RESOLUTION NO. (1983) 409

RESOLUTION TO AMEND THE COMPREHENSIVE PLAN

WHEREAS, the purpose of the Comprehensive Plan is to provide general guidance to City agencies, other public agencies, private individuals and organizations as they prepare detailed plans, programs and ordinances; and

WHEREAS, it is the intent of the City Council to maintain and, as conditions warrant, to amend this plan as the official statement of City Council Policy concerning the future development of the City of Raleigh; and

WHEREAS, the Department of Transportation has determined that Morgan's Way is not needed as a through collector street and that adequate circulation can be assured for this area through the subdivision and plan approval processes; and

WHEREAS, a public hearing on proposed Amendment No. CP-7-83 was held before a joint meeting of the City Council and the Planning Commission on November 15, 1983.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1 - That the attached amendment, CP-7-83, be approved, deleting a portion of the proposed Morgan's Way-Bridgeport Drive connector, east of Creedmoor Road, as a collector street from the Major Street Plan Map T-1, page 59 of the Comprehensive Plan adopted by Resolution No. (1979) 949, on June 19, 1979, and from the North District Collector Street Plan, Map N-4B, adopted by Resolution (1983) 308 on August 2, 1983.

Adopted: 12/6/83

END OF PLANNING COMMISSION CONSENT AGENDA

REZONING Z-104-83 - DURALEIGH ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 5.6 acres from Residential-4 to Residential-10. CR-3072 from the Planning Commission recommended that the property be rezoned to Residential-6. Mr. Walters indicated he requested that this be withdrawn from the Consent Agenda pointing out this property is located next to a large rock quarry. He stated at the public hearing there was no opposition to the request for Residential-10. He stated he knew of one City employee who lives adjacent to this and knows of no opposition to the R-10 rezoning; therefore he would move that rezoning application Z-104-83 be approved as requested; that is, rezoned to Residential-10. His motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative except Mrs. Block who voted in the negative. The Mayor ruled the motion adopted. See Ordinance 243 ZC 130.

REZONING Z-105-83 - PLEASANT GROVE CHURCH ROAD - DENIED

This was a request for approval to rezone approximately 16 acres from Residential-4 to Residential-6. CR-3073 from the Planning Commission recommended that this request be denied without prejudice. Mrs. Block indicated she requested this be withdrawn from the Consent Agenda pointed out at the Public Hearing there was a valid petition of opposition to this request. She stated she feels strongly that the request should be denied pointing out if there are radical changes in the request and conditions, the applicant can come back and it can be considered for waiver of the two-year waiting period; therefore, she would move denial of rezoning application Z-105-83. Her motion was seconded by Mr. Congleton. Mr. Walters pointed out at the public hearing the proponent wanted to withdraw this case and that is legally impossible. He indicated he felt the neighborhood would be willing to have it withdrawn pointing out customarily if the applicant request that the application be withdrawn, the Council has denied it without prejudice. Mr. Congleton indicated we have a situation where we have a neighborhood that has gone through the process for rezoning and has spent an awful lot of time putting their case together. He indicated in his opinion, the applicant saw that the rezoning application was not going through so they requested withdrawal or denial without prejudice. He stated, however, the people have spent a lot of time on the case. Planning Director Chapman explained the location and surrounding zoning. Mr. Congleton pointed out it is his understanding we have a process for waiver of the two-year waiting period and in his opinion if the City Council is going to say that they are going to a carte blanche system of denial without prejudice then he feels we should do away with the waiver system with Mr. Walters indicating he would agree. Discussion took place after which the motion as stated was put to a vote which resulted in all members voting in the affirmative except Mr. Walters who voted in the negative. The Mayor ruled the motion adopted.

Z-108-83 - CREEDMOOR ROAD - REFERRED TO THE LAW AND FINANCE COMMITTEE

This was a request for approval to rezone approximately 25.8 acres from Residential-4 to Residential-6. The property is located on Creedmoor Road, west side, between Lynn Road and Howard Road. CR-3074 from the Planning Commission recommended that this application be approved as requested.

Mrs. Block indicated she requested that the item be withdrawn from the Consent Agenda pointing out this property is surrounded on three sides by Residential-4. She stated there is already tremendous traffic problems on Creedmoor Road and it may be widened in the future but she feels like it could be a long time away. Therefore, she would move that this request for rezoning be denied. Her motion did not receive a second. Planning Director Chapman explained the location.

Other discussion took place with Mr. Congleton pointing out he is aware of the situation and location pointing out he raised the question about the storm water run off at the public hearing. He stated his church has just gained occupancy of the property across the street and there have already been two accidents. He stated he feels that this request should be studied and would move that rezoning Z-108-83 be referred to the Law and Finance Committee. Without objection the item was so referred.

REZONING Z-115-83 - OLD WAKE FOREST ROAD EXTENSION - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 2.8 acres from Office and Institution-II to Shopping Center. CR-3079 from the Planning Commission recommendeds that the rezoning be approved as requested. Planning Director Chapman explained the location and the recommendation of the Planning Commission.

Mrs. Block indicated she requested that this be withdrawn from the Consent Agenda pointing out if we continue to zone more and more shopping center and office zoning where there is already undeveloped shopping and O&I zoning, we will never get this type of establishments where it is needed; therefore, she would move that rezoning Z-115-83 be denied. Her motion was seconded by Mr. Keller.

Mr. Congleton indicated there was some discussion at the public hearing about this case pointing out he understands the property owner likely is in a situation where he may not be able to utilize this property because of access. He stated while he tends to agree with Mrs. Block's statement that we need to get some of the shopping and office developed before we zone more property into that classification, he feels that this particular case has merits. He indicated he doesn't see this particular situation as a major extension of the shopping center zoning and because of the access questions, he would request that the Council defeat the motion on the floor. Mr. Walters made a substitution motion to uphold the Planning Commission. This substitution motion was seconded by Mr. Congleton and put to a vote which resulted in all members voting in the affirmative except Mrs. Block who voted in the negative. The Mayor ruled the motion adopted. See Ordinance 243 ZC 130.

REZONING Z-116-83 - LOUISBURG ROAD AREA - REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE

This was a request for approval to rezone approximately 24.2 acres from Residential-4 (17.3 acres) and Residential-6 (6.9 acres) to Residential-10. CR-3080 from the Planning Commission recommends that this case be denied.

Mrs. Babb indicated she requested this item be withdrawn from the consent Agenda pointing out she would like for it to go to a Committee. She stated she the petitioner didn't understand the time frame involved and the rezoning process so there was no one at the Planning Commission to answer questions or to speak for the case. Brief discussion took place and without objection Mayor Upchurch referred rezoning Z-116-83 to the Comprehensive Planning Committee.

REZONING Z-119-83 - WINTON ROAD - REFERRED TO THE PUBLIC WORKS COMMITTEE

This was a request for approval to rezone approximately 4.2 acres from Residential-6 to Office and Institution-I. CR-3082 from the Planning Commission recommends this application be approved as requested. Planning Director Chapman explained the location.

Mrs. Block indicated she requested this be withdrawn from the Consent Agenda pointing out she would like to refer this rezoning application to the Public Works Committee indicating she feels very strongly that the two cul-de-sacs are too long. Mr. Walters questioned if this rezoning would have any affect on the Atlantic Avenue project with Mr. Chapman indicating it would not. Without objection, rezoning Z-119-83 was referred to Public Works Committee.

REZONING Z-125-83 EAST EDENTON STREET - TO BE PLACED ON DECEMBER 20, 1983 AGENDA

This was a request for approval to rezone approximately 1 acre from Office and Institution-II to Neighborhood Business. CR-3085 from the Planning Commission recommended that this application be denied without prejudice. Mr. Walters indicated the attorney representing this case could not be at this meeting today and requests that this be deferred; therefore, he would request that this be placed on the next Agenda. Without objection, it was agreed that Z-125-83 would be placed on the December 20, 1983 Agenda for consideration.

REZONING Z-128-83 - CARTIER DRIVE - REFERRED TO THE PUBLIC WORKS COMMITTEE

This was a request for approval to rezone approximately 1 acre from Residential-6 to Office and Institution-I. CR-3088 from the Planning Commission recommends that this application be approved as requested. Mrs. Block indicated one of her constituents called and objected very strongly to this case on the basis of the traffic and the intrusion into the residential neighborhood. Therefore, she would move that this request be denied. Her motion was seconded by Mrs. Cates. Mayor Upchurch indicated as he understands it the entrance is basically through the shopping center and not through the Residential area. Mrs. Cates indicated she looked at this very carefully and from the map it is not clear what would happen as she thought the rezoning would go all the way Cartier Drive. Mr. Walters indicated he does not feel whether it goes all the way to Cartier Street and explained there is about a 50-foot difference in topography so he does not feel it would be any problem with traffic into the neighborhood. Mr. Chapman indicated the Planning Commission did discuss the access question. Mrs. Block pointed out O&I-I does not require site plan approval and she would not object if the Council had approval power. Mayor Upchurch indicated recognizing the way the building is situationed he does not feel that there would be any problems and may be the Council could consider this in Public Works Committee and look at the access question. Mrs. Block and Mrs. Cates withdrew their motion to deny the request and without objection rezoning Z-128-83 was referred to the Public Works Committee.

REZONING Z-131-83 - WAYNE STREET - DENIED

This was a request for approval to rezone approximately 3 acres from Residential-6 to Residential-10. The property is located on the south side of Wayne Street about 400 feet east of Jones Franklin Road. CR-3089 from Planning Commission recommends that the application be approved as requested.

Mr. Keller pointed out that most of the surrounding land is Residential-6 and this is in the Lake Johnson watershed; therefore, Residential-6 is the proper zone. He moved that rezoning application Z-131-83 be denied. His motion was seconded by Mrs. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-132-83 - POWELL DRIVE - DENIED

This was a request for approval to rezone approximately 9.4 acres from Residential-4 to Residential-6. CR-3090 from Planning Commission recommends that this case be denied without prejudice. Mr. Keller indicated everything around this property is Residential-4 and he would move denial. His motion was seconded by Mrs. Block. Mrs. Block pointed out there was a valid petition of opposition. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-93-83 - SIX FORKS ROAD - REFERRED TO THE LAW AND FINANCE COMMITTEE

This was a request for approval to rezone approximately 2.6 acres from Residential-4 to Neighborhood Business. CR-3070 from the Planning Commission recommended that Z-93-83 be approved as amended; that is, that Parcel 67 (located on Windel Drive and Six Forks Road) be rezoned to Residential-10 and that Parcel 66 (located on Six Forks Road) be rezoned to Shopping Center. Planning Director Chapman explained the location and the Planning Commission's recommendation.

Mr. Congleton indicated he campaigned as hard on this case as a lot of other cases and pointed out the residence in the area have sent a number of letters, etc. He stated there is no doubt in his mind that the proposal is inappropriate; therefore, he would move denial. His motion was seconded by Mrs. Block.

Mr. Walters indicated he could not support the case as requested. He stated, however, he believes that something could be worked out and he feels we owe it to everyone to try to get the best zoning on a piece of property. He stated, in his opinion, R-4 is not the proper zoning and he would move that it would go to Committee for study to try to work something out and would suggest that it go to Law and Finance Committee and so moved. His motion was seconded by Ms. Babb. Mr. Congleton indicated he has some concerns about this; however, he can accept it going to Committee if it would come back at the next meeting. He indicated the residents have spent a lot of time and energy trying to get this worked out and he hates to see it wait until such a late date to try to get the applicants and the neighbors together. The motion to refer the matter to Law and Finance Committee was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-53-83 - REQUEST FOR WAIVER OF WAITING PERIOD - DENIED

This was a request that the two-year zoning waiting period on Z-53-83 be waived. CR-3071 from the Planning Commission recommended that the request for waiver be approved according to the letter attached to Certified Recommendation 3071. Planning Director Chapman explained the original zoning request and the request for waiver.

Mr. Congleton indicated this particular case is an example of the waiver system we have. He stated in looking at this case, he has the same concern about the amount of time and energy put on this case by the citizens originally. He stated he hadn't heard anyone say it is time to consider rezoning the property and he thinks the case should wait a little longer and he would move that the request for waiver of the two-year waiting period be denied. His motion was seconded by Mrs. Babb.

Mr. Weaver was in the audience and asked to be heard. Mr. Walters stated he would like to hear Mr. Weaver's remarks. Mr. Weaver indicated they have requested Residential-6 for this property pointing out this is a change from what was originally requested. He stated they have actually filed a request for rezoning and they would like for that request to be processed. He stated the request was filed on time and this is a request for waiver of the two-year period. He indicated the Residential-6 is as close as possible to the current zoning and explained the Elks just want to get out of a residential area and move to another area. Mr. Walters stated he has always had a problem with denying without prejudice and explained the history of the Council's procedure on denial and denial without prejudice. He explained that the Council has set up guidelines and criteria by which a waiver would be granted and one of those guidelines is if the request is a reasonable change in zoning and he feels this is, therefore, he feels the Council is obligated to grant the request. He questioned if we are going to change the procedure in midstream. Other discussion followed after which the motion to deny the request for waiver was put to a vote with results as follows: Babb, Block, Congleton, Keller and Upchurch. Noes - Calloway, Cates, Walters. The Mayor ruled the motion adopted.

REZONING Z-109-83 - CREEDMOOR ROAD - DENIED

This was a request for approval to rezone approximately 2.5 acres from Office and Institution-II to Shopping Center. CR-3075 from the Planning Commission recommends that the application be approved as requested. Planning Director Chapman explained the application and recommendation.

Ms. Cates moved that the City Council deny rezoning application Z-109-83. Her motion was seconded by Mrs. Block. Mrs. Cates indicated she understands there is a study being made on shopping centers in this area to determine what the needs are. She stated she does not feel that it has been determined that this is a metrofocus area and if this request or another request for a shopping center in this area is approved then that is what it will become. Mr. Keller indicated the last time he checked there are 41 undeveloped shopping center sites in the City of Raleigh and he feels that is enough for the time being. Therefore, he would support denial. Mr. Upchurch stated he feels we should look very carefully at each request and what has happened on Wake Forest and Falls of Neuse Road and made sure it doesn't happen on other major streets. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-114-83 - FALLS OF NEUSE ROAD - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately two (2) acres from Residential-4 to Shopping Center. CR-3078 from the Planning Commission recommends that Z-114-83 be approved as amended; that is, that the portion of the request located in the proposed Spring Forest Road remain Residential-4 and the remainder of the request be rezoned Shopping Center, as requested. Chairman Woodlief explained the Planning Commission's recommendation and Planning Director Chapman explained the location and surrounding zoning. Mr. Walters indicated as he understands it, if this property stays as it is presently zoned, all traffic would have to come back on Falls of Neuse Road, but if it is approved as requested then we could get some circulation and other access. Mr. Congleton indicated in this particular case he feels we are faced with a situation of property with a piece next to it zoned shopping center. He indicated he would hope that if this is approved that this would be the bottom point of the shopping center. He moved approval of the Planning Commission's recommendation and he would make that motion with the understanding that this would be the last of the shopping center zoning. His motion was seconded by Mr. Walters. Mr. Upchurch indicated he would have to vote against the motion pointing out once you turn a corner of an intersection with a shopping center it will just head up the other road and in this case, he feels the shopping center will head up Spring Forest Road. He explained he has consistently voted against this situation and he would continue to vote against this request. Mr. Congleton indicated if he had had an opportunity to vote on the adjacent request he, too, would have voted against it, but with the situation we are faced with, he feels that this particular rezoning is justified. The motion as stated was put to a vote which resulted in all members voting in the affirmative except Mrs. Block and Mr. Upchurch who voted in the negative. Mayor Upchurch ruled the motion adopted.

ORDINANCE NO. (1983) 243 ZC 130

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Duraleigh Road, west side, between Rockwood Drive and U.S. 70 West, being Parcels 10, 23, and 26, Tax Map 376, approximately 5.6 acres rezoned to Residential-10. (Z-104-83)

(b) Lead Mine Road, east side, between Sawmill Road and Mine Shaft Road, being Parcel 1, Tax Map 351, approximately 7.5 acres rezoned to Residential-6. (Z-112-83)

(c) Old Wake Forest Road (Extension), north side, about 340 feet east of US 1 North, being Parcel 90, Tax Map 354, approximately 2.8 acres rezoned to Shopping Center. (Z-115-83)

(d) Falls of Neuse Road, west side, just north of and including a part of the proposed extension of Spring Forest Road, being a portion of Parcel 29, Tax Map 352, that portion of the request located in the proposed Spring Forest Road remaining Residential-4 and the remainder of the request rezoned to Shopping Center, according to map on file in the City of Raleigh Planning Department. (Z-117-83)

(e) To the east of Buffaloe Road, bounded on the west by Willow Creek Subdivision and the east by the Neuse River, being Parcels 1 and 129, Tax Map 440, rezoned as follows: the 6.7 acres currently zoned Residential-1 be rezoned to Residential-4 and the remainder of the property (57.2 acres) remain Residential-4, according to map on file in the City of Raleigh Planning Department. (Z-114-83)

(f) Poole Road, north side, between the Raleigh Beltline and Ajinimoto Drive, being a portion of Parcel 2, Tax Parcel 554, approximately 29.1 acres rezoned to Office and Institution-II District, according to map on file in the City of Raleigh Planning Department. (Z-120-83)

(g) Pecan Road, north side, between South Saunders Street and Renfrow Road, being a portion of Parcel 110, Tax Map 605, approximately .9 acre zoned to Neighborhood Business, according to map on file in the City of Raleigh Planning Department. (Z-124-83)

(h) West Johnson Street, north side, between St. Mary's Street and West Park Drive, being Parcel 9, Block D-67, Tax Zone Map D-17, approximately one-half acre rezoned to Office and Institution-I District. (Z-126-83)

(i) Old Lassiter Mill Road, east side, between Marlowe Road and Crabtree Creek, being a portion of Parcel 17, Tax Map 435, approximately .67 acre rezoned to Residential-4 District, according to map on file in the City of Raleigh Planning Department. (Z-129-83)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective December 6, 1983.

REZONING Z-127-83 WADE AVENUE - REFERRED TO WORK SESSION

This was a request for approval to rezone approximately 159,791 square feet from Office and Institution-I to Office and Institution-II. Chairman Woodlief presented CR-3087 from the Planning Commission which recommends that this request be approved as amended; that is, that the property contained in Z-127-83 be rezoned to Residential-30. Mr. Upchurch recommended that this item be referred to work session. He stated this involves the Methodist Home Property and what happens on that property in his opinion will have a great impact on the City of Raleigh. He indicated he wanted to make sure that all Council Members understood where we are heading. Ms. Cates pointed out the petition was originally filed for O&I-II and the request was changed to Residential-30. She indicated the Neighborhood representatives wanted additional input. She stated in addition to looking at this particular tract of land

concept. He pointed out again in 1975, there was a study committee headed by Liston Ramsey and read part of that report in which the study committee recommended not changing the tax exempts status of State Property. Representative Adams indicated he did not agree with this concept and this thinking but he feels that we have finally convinced the General Assembly that the State should help pay for part of the protective services they received. He pointed out this money came out of a special State fund which had $1,400,000 state wide. He indicated this fund would be reviewed each year and if it is determined that there will not be enough to pay for the protective services then the money will come out of the general funds, so he feels we have made a giant step. He cautioned the City, however, to continue to ride herd to make sure this funding continues. Mayor Upchurch expressed appreciation to Representative Adams for all of the work he has done to make this possible.

COMMITTEES, COMMISSIONS AND BOARDS

HUMAN RESOURCES AND HUMAN RELATIONS ADVISORY COMMITTEE - SAL RICHMOND - APPOINTED

The Clerk reported one vacancy due to the enlargement of this Committee. Sal Richmond has been nominated and nominations have not been closed. There being no further nominations, Mr. Congleton moved that nominations to HRHRAC be closed and Mr. Richmond appointed by acclamation. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

YOUTH COUNCIL ADVISORY BOARD - NOMINATIONS MADE

The City Clerk reported the terms of Bill Parmalee, Charles L. Burwell, Dorothy Petty and Martha Keravouri all expire December 22. Ms. Keravouri is not eligible for reappointment because of length of service and Mr. Burewell has moved out of town. Mr. Parmalee and Mrs. Petty have been nominated for reappointment and nominations have not been closed. Mr. Congleton nominated Glenda Ebheart, 22 East Rowan Street, indicating Ms. Ebheart works with Peer Connection. No further action was taken.

HOUSING APPEALS BOARD - NO ACTION TAKEN

The City Clerk reported one vacancy for an alternate member of the Housing Appeals Board as a result of a recent ordinance change enlarging this board. No nominations were made.

TELECOMMUNICATIONS - COMMISSIONS - PAUL VANDERGRIFT - APPOINTED AS CHAIRPERSON

The City Clerk indicated 15 members have been appointed to the Telecommunications Commission. She stated, however, due to an oversight on her part, she failed to have the Council designate a chairperson or determine which members would serve one year terms and which would serve two year terms. She suggested that the Council name a chairperson from the 15 members and the chairman would have a two year term then she could alphabetize the remaining and number them 1, 2, 1, 2, etc. and determine the one and two year terms in that manner. Mr. Calloway nominated Paul Vandergrift as chairperson. Brief discussion took place as to whether we would name a chairperson today or whether this would be a nomination that would follow normal nominating procedures afterwhich Mr. Walters moved that the Council suspend the rules and designate Paul Vandergrift as chairperson. His motion was seconded by Ms. Babb and put to a vote which passed with all members voting in the affirmative except Mrs. Block who voted in the negative. It was also agreed that the clerk's suggestion relative to one and two year terms be followed. Ms. Babb questioned if the Telecommunications Commission would have a vice chairman with Cable Administrator Thomas indicating the Commission would have to determine what officers they would have and make those appointments. Ms. Babb indicated she feels that they would probably need a vice chairman and it was asked that this information be conveyed to the Commission.

PLANNING COMMISSION - NOMINATIONS MADE

The Clerk reported the terms of Perry Safran and Malcolm Williams expire on January 5. Nominations include John Sherbert, Malcolm Williams and Perry Safran. Nominations have not been closed. Mr. Upchurch nominated Geoffrey Simmons. No further action was taken.

GREENWAY COMMISSION - NOMINATIONS MADE

The Clerk reported the term of Judd Amons expires February 5, 1984, and the term of David Malette, Sr. expires February 18, 1984. Both are eligible for reappointment as far as length of service is concerned and the Clerk indicated she had supplied Council Members with an attendance record. No nominations have been made. Mr. Calloway nominated Will Hudson. Mayor Upchurch nominated Judd Ammons. It was pointed out by Mr. Calloway he did not think Mr. Malette would be willing to be reappointed.

DOWNTOWN ADVISORY COMMITTEE - BRUCE HUDSON APPOINTED

The City Clerk reported this Committee is made up of 21 members, 16 which are representatives of certain organizations of which the Chamber of Commerce is one. Steve Kelly, the current representative of the Chamber of Commerce has resigned and the Chamber recommends that Bruce Hudson be appointed as their representative on the Downtown Advisory Committee. The City Clerk indicated that if the Council so desires, it would be appropriate to confirm this appointment. Mr. Walters moved that Bruce Hudson be appointed as the Chamber of Commerce's representative on the Downtown Advisory Committee. His motion was seconded by Mrs. Babb and put to a vote which passed with all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE DOWNTOWN COMMITTEE

YORK HANNOVER PROJECT - NEW CONCEPT APPROVED

Mayor Upchurch indicated the Downtown Committee recommends that the concept of the new proposal by York Hanover be approved as outlined in former Mayor York's memo dated November 30, 1983. Ms. Babb moved the recommendation as outlined be upheld. Her motion was seconded by Mr. Walters. Ms. Babb indicated she feels that this proposal is better than we ever expected and we should move forward with the project. City Manager Zachary indicated there was a slight amendment and that relates to the profit split. He indicated it will not be exactly 50 percent but will be a relationship of 287 spaces to the number of spaces in the York-Hannover deck. He stated it will be close to 50 percent but not exactly. Mr. Calloway questioned if UDAG will be utilized in other projects with Ms. Babb pointing out there are a lot of ways we can utilize a UDAG Grant. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE WORK SESSION

APOLLO HEIGHTS CENTER - SCOPE AND OWNERSHIP - MAYOR AUTHORIZED TO SIGN CONTRACT; CENTER TO BE NAMED IN HONOR OF RALPH CAMPBELL, SR.

Mayor Upchurch indicated during work session it was recommended and that the Council reaffirm its previous action of approving the concept that the City would become the owner of the Apollo Heights Center and that the property and insurance proceeds would be conveyed to the City from the Housing Authority. It is recommended that the Mayor be authorized to sign the contract approving this concept.

The Committee further recommends that Administration be directed to start the architectural selection process for the construction of the Apollo Heights Center and further recommends that this Center be named in honor of Ralph Campbell, Sr.

Mr. Calloway moved the recommendation of Work Session be upheld. His motion was seconded by Mr. Walters. Ms. Block indicated she has a little problem in naming City Buildings or community centers in honor of a specific person. She explained the problem that had arisen in the method community in trying to name the community center after Harvaleigh White with one fraction of the Community feeling it should be named after Beryl O'Kelly. She questioned if there has been any Community input. Mr. Calloway indicated Mr. Campbell was a servant of the citizens of Raleigh across the Board and it was in that spirit that he made the recommendation that the center be named in his honor. He indicated it had been discussed at the Council table before and he has heard no opposition what so ever and he knows of no opposition and he received phone calls of support of the proposal. After other discussion the motion as stated was put to vote which passed unanimously. The Mayor ruled the motion adopted.

HUMAN RESOURCES AND HUMAN RELATIONS ADVISORY COMMITTEE - REMOVED FROM THE AGENDA

Mayor Upchurch indicated the Council met with the Human Resources and Human Relations Advisory Committee (HRHRAC) during Work Session for their semiannual report. He stated the Council commends the Committee for the work they have done and recommends that this item be removed from the Agenda with no action taken. Mr. Walters moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT OF THE RALEIGH ADVISORY LIBRARY BOARD

RALEIGH ADVISORY LIBRARY BOARD - DISBANDED; OPERATION AND LIAISON ON LIBRARIES - REFERRED TO THE INTERGOVERNMENTAL COMMITTEE

Mayor Upchurch called on Clyde Holt, III, Chairman of the Raleigh Advisory Library Committee asking that Mr. Holt make a report as outlined in a letter submitted to Council Members in the Agenda Packet pointing out maybe this item could be placed on the next Agenda for final vote.

Mr. Holt explained the history and the operation of the Wake County Library system and the joint funding by the various municipalities in the County of Wake. He explained for several years the City and County has been working on a new contract whereby the County would be responsible for the total library system. He stated this new contractual arrangement has been made. He explained the work of the Raleigh Advisory Library Board and pointed out since the City of Raleigh funds are no longer being used for the Administration of the public library system, it is felt that the Advisory Library Board is no longer needed; therefore, they would recommend that the City Council repeal its resolution establishing the Raleigh Advisory Board. He stated they would also suggest that the present members be assigned to other city commissions and boards where their expertise and dedication to public service might be of assistance. Ms. Babb questioned how the City would have input to the Wake County Library Board. Mr. Holt indicated the County Board is appointed by the Wake County Commissioners. He stated traditionally, three of the six members have been residents of the City of Raleigh. He explained there is consideration to expanding the board so that the board would be similar to the City of Raleigh's Planning Commission or Board of Adjustment; that is, have recommendations from the various municipalities for their representative on the Board. He stated another important avenue of input for the City Council would be through the Intergovernmental Liaison Committee. He says if a citizen of Raleigh brings a concern or a matter relative to libraries to the Raleigh City Council, he feels it could be referred to Intergovernmental Committee and that would be an avenue for communication with the County Commissioners. Ms. Babb questioned if it would be appropriate or helpful for the City Council to pass a resolution supporting the idea that the City Council of Raleigh would recommend candidates for the Wake County Library Board. Mr. Holt indicated there is serious consideration to expanding the Board and they are considering other alternatives of how to appoint the board. He indicated if the City of Raleigh is concerned about how the board is appointed, then the City should express its concern.

Ms. Babb indicated she has some concern about the libraries pointing out one concern relates to the fact that she does not feel the branch libraries are open long enough on weekends. She pointed out Sunday afternoon is a good time to go to the library, but the hours are very short. Mr. Holt indicated there are a number of branches that are not large enough nor open long enough but pointed out this is budget questions. He explained the County has about tripled their budget over the last five years as it relates to libraries pointing out they are taking over the employees obligating themselves to build a second library in North Raleigh and provide a new Downtown branch. He indicated a lot of progress has been made but the City needs to continue to push for a better system. Ms. Babb indicated she too agrees that a lot of progress has been made but she does feel that we should push to have the branches open longer. Mr. Holt suggested the possibility of having a standing item on the Intergovernmental Committee relating to the Library system and its operation and that maybe these items could be discussed with the County Commissioners with Ms. Babb indicating she is concerned with representatives on the Wake County Board and that the branches be open longer. Ms. Block indicated she felt the Council owed a debt of gratitude to the Library Board. She pointed out the City of Raleigh has 8 of 16 branches and if the Library Board is enlarged, she would hope we would still have

half the representatives on the board. She indicated she felt the suggestion that the members of the Library Board be appointed to other Commissions is a very good idea because this group has worked long and hard. She asked that a list of those members be given to the Council so that they could be considered when other appointments come open. After brief discussion, Mr. Keller moved that the Raleigh Advisory Library Board be disbanded as their work has been completed and that an item be referred to Intergovernmental Committee to discuss operations, etc. of the libraries. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

FINANCIAL STATEMENT FY 82-83 ANNUAL REPORT - REFERRED TO LAW AND FINANCE COMMITTEE

City Manager Zachary indicated the Annual Financial Statement for the previous fiscal year has been prepared and includes the report of the Cities independent auditor, A.M. Pullen Company. Council Members have been provided with a copy of the statement. He indicated in the past, the report has been referred to a Council Committee for review after which it would be appropriate for the Council to accept the report. Mayor Upchurch stated without objection he would refer the FY82-83 Annual Financial Statement to the Law and Finance Committee. The item was so referred.

PROPERTY TAX - COLLECTION OF STATE PROPERTY TAX - ADMINISTRATION NOT TO PURSUE

As part of the December 31, 1981, annexation of US 70 East, the City generated six tax bills on property that is now owned by the State of North Carolina. The total principal amount of these bills is $706.35. Opinions vary as to whether this tax is legally collectible from the State. The State has a view which indicates that it is not obligated to pay these taxes.

The City Council can choose to relieve this charge to collect these taxes or direct that collections be pursued by whatever means, including court actions.

Recommendation: Due to the legal ambiguities, it is recommended that the Council not pursue collection of these designated delinquent taxes. Mr. Walters moved that Administration's recommendation be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RODENT CONTROL IN CITY PARKS - BID AWARDED SURETY EXTERMINATING COMPANY, INC. - ITEM REFERRED TO ADMINISTRATION

On October 4, 1983, the City Council approved the Rodent Control Pilot Project in City parks to address problems of high rodent infestation. Proposals were solicited and four were received as follows:

Killo Pest Control Company, Inc.	$2,900.00
Surety Exterminating Company, Inc.	3,350.00
Smith Exterminating Company	4,608.00
Fumigators, Inc.	6,495.00

The second low proposal, Surety Exterminating Company, Inc., provides for two treatments at 30-day intervals while the Killo bid provides a single application.

The agent used is calcium cyanide dust and will be put in the rat burrows. This chemical turns to gas on exposure to air. Sufficient funds are available and budgeted for this project by the Council.

Recommendation: It is recommended that the proposal submitted by Surety Exterminating Company be accepted in the amount of $3,350. City Manager Zachary indicated Administration recommended Surety Exterminating Company as they agreed to go to the locations twice.

Mrs. Block indicated several years ago the Public Works Committee spent a long time studying the problems of rodents in the City and the conclusion of all that was that we can kill all of the rats but two and they will be back in six months. She stated you have to eliminate the food supply and the housing before you can eliminate the rats. City Manager Zachary indicated maybe we can bring this to the attention of the Parks people and get Research and Information to get out information about the problem and how to alleviate the problem. Mrs. Block suggested the possibility of picking up the trash in the parks more often. Mr. Keller indicated to control any rodent or wildlife, you have to control their food and cover pointing out cover is the most important factor. He indicated if you don't do something about eliminating their cover, it is a waste of money to try to alleviate the rat problem. Mr. Walters agreed and pointed out we should continue our educational program but pointed out he feels we should go ahead with this exterminating program as their are several locations that the rodent problem is epidemic. Mrs. Block indicated she could vote for the exterminating program as an emergency measure and would move approval of the bid submitted by Surety Exterminating Company to rid the City of the immediate problem but at the same time Administration be instructed to to do whatever possible to cover drainage pipes, eliminate food scatterings, etc. at the parks and put out information to the immediate neighborhood in an educational effort to eliminate the food and cover supply. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ANNEXATION - FIRE PROTECTION AND GARBAGE COLLECTION - CONTRACTS AUTHORIZED

As a result of previous City Council action, the City will annex four large areas on December 31, 1983. This includes the Mini City area, Tower-Telex, The Shires, and a section along Highway 70 West. To provide fire protection service and large container garbage collection, it was agreed that the City would contract with existing agencies for this work.

(1) Fire Protection.

The City will provide fire protection to The Shires and the Highway 70 West area from existing City fire stations. The Mini City and Tower-Telex area are presently served by the Wake New Hope Fire Department and a tentative agreement has been reached with this agency to continue provision of fire protection service in coordination with the City Fire Department, which will also serve these areas. The proposed agreement would be for one year and would cost approximately $35,000. Council Members will have a copy of the proposed agreement in their Agenda packets.

(2) The City will be providing the regular, rear-yard, residential garbage collection services for these four areas. For the large container type collection services, it is proposed that the City contract with two private firms, BFI and Waste Industries. The terms of the proposed agreement are for a one-year period with a renewal thereafter by mutual consent. The fees would be $5.50 for picking up each eight- yard container and $52.37 for picking up each roll-off container. Council Members will receive a copy of these agreements in their Agenda packets.

Funds are budgeted for these service agreements.

Recommendation: It is recommended that Council approve the City entering into the specified agreements and authorize the Mayor to execute them. Mrs. Block questioned if those firms who will be doing the garbage collection will be taking the garbage to the city landfill with it being pointed out they would. Mrs. Block moved Administration's recommendations be upheld. Her motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

CD LOAN REQUEST - FIDELITY LODGE NUMBER 277 - APPROVED; CD PROGRAM REFERRED TO LAW AND FINANCE COMMITTEE

A loan request has been received from Fidelity Lodge #277 for rehabilitation of their property, located at 619 East Davie Street. The amount of loan request is $21,400.

This proposal is different from our regular rehabilitation loans and grants in that the property is non-residential. Except for an allocation to the YWCA two years ago, residential rehabilitation has been the basis for loans and grants. Council Members will have a report included in their Agenda packets.

Recommendation: Council may wish to consider this request as an exception to our standard criteria and make the decision on whether the overall neighborhood benefits are achieved as a result of this loan.

Mr. Calloway indicated he would hope that the City Council would approve this application. He indicated the City is doing a lot of work in the surrounding area and the condition of the Lodge makes it stick out like a sore thumb. He stated he would hope that we could bend the rules so that this loan could be approved as he feels it would be a shot in the arm and enhance this neighborhood. Therefore, he would move approval of the loan as requested. His motion was seconded by Ms. Babb. Mr. Walters indicated he is very familiar with the location and has sympathy with what Mr. Calloway is saying but pointed out he feels that we should look at it in a committee and make sure this is the direction we want to go. He stated just because the City deviated and made a loan to the Y, he does not feel we should deviate again without further discussion and study. In response to questioning, Community Development Director Wray indicated this building is in the concentrated area and a lot of work has gone on in the area including acquisition, new housing construction, etc. He indicated the renovation of the Lodge will help in the overall efforts. He explained there are two pockets of money, one the loan pool which is restricted to a 10 block area and the other which is for profit businesses and the only way that money could be provided for improvement of the Lodge is through this channel. Mrs. Block indicated she agreed with Mr. Walters pointing out maybe this should be looked at in committee. She indicated she did not like to go on a case by case basis without some kind of guideline. She stated she did not know what this Lodge is, where it is and she feels that we should develop a policy if we are going to change our policy. She stated presently our policy is that this money is to go for housing and she just feels that if we are going to deviate we should refer it to Committee for study first.

Ms. Babb pointed out there are different ways of approaching this pointing out one would be look at each case or application to see if that is in line with the program. She stated another way is the target approach and that is total community revitalization. She indicated HUD encourages target areas and encourages going in and improving the total neighborhood. She pointed out this is a feature in that particular neighborhood and that feature needs to be addressed and she feels the loan should be approved. She explained that as a longstanding guideline that nonprofits are totally acceptable for HUD. She stated she feels this request is entirely reasonably, it is in a targeted area, the neighborhood is improving, etc and she feels that the loan should be granted. Mr. Congleton indicated he was not totally familiar with the City's policy, questioning if we look at these on a case-by-case basis or just how we go about deciding what loans are approved. Ms. Cates questioned if there are people wanting loans for homes that could not be handled if this is granted. Mr. Wray indicated of the requests we have received we have been able to fund them and this would not affect that ability. He stated if this loan is approved, no one would be left out. Lengthy discussion followed on whether the Council has deviated from its policy in the past, the fact that this is a Masonic Lodge and there is another lodge on Blount Street that maybe needs a loan, if we give a loan to one non-profit organization we would need to give loans to all other non-profit organizations in the targeted area, etc. other discussion on how much money has been spent in this area and the condition of the Lodge and the need for improvement to help the total neighborhood improvement was discussed at length. Mr. Keller questioned if the administrative committee recommended approval with Mr. Wray explaining the Finance Director questioned this as he felt that the money should be spent on housing. He pointed out the Lodge referred to by Mr. Walters on Blount Street is within the area that would be eligible for Loan Pool money. In response to questions, Finance Director Hill indicated it as he understands the City's objectives are to provide financing for housing. He stated maybe we need to review again what the City's objectives are in the CD Program. He stated he was not objecting to funding this type organization if that is the intent of our objectives. Ms. Babb pointed out several people have indicated the City Council has a policy that we should spend money only on housing. She stated if we have such a plan and such a policy, she would like to see it. She stated housing is a primary concern and the City has worked on housing problems all over the city as well as in the targeted area. The boundaries of the targeted area, what work has been done, the City's policies, etc. as well as HUD guidelines were discussed at length. Mr. Upchurch indicated he really sees two separate questions and that maybe the Council needs to review the policy and issue policies that the Community Development Department is working under and the second is the issue or the loan application before Council. Mr. Congleton indicated when you rehab an area, if you leave one particular structure out, it becomes an eyesore and the rehabilitation efforts seem to be lost. Mr. Congleton made a substitute motion that the Council approve the request from Fidelity Lodge for a loan in the amount of $21,400 and ask a Committee to take this question to see if the policy needs to be reviewed and to consider if a policy should be made relative to spending money on businesses or other than housing. His motion was seconded by Ms. Babb. Ms. Block indicated she felt that we should refer this item to Committee as suggested by Mr. Congleton but she would prefer referring the loan application also. Mr. Walters pointed out he just does not see approving this loan application as the petitioner hasn't even come before the City Council. He stated unless there is a sense of urgency, he sees no problem with referring the loan application. He stated there are many "mom and pop" stores that need help. He stated just because HUD allows something doesn't mean that is what the City wants to do with its program. Ms. Babb indicated as she sees this discussion it is going to get complicated. She stated in her opinion what we are going to have to do is to review the whole way the CD Program works, what our priorities are, what our guidelines are, etc. but she does not feel we should hold this particular loan application up. She stated there have been a lot of changes at HUD and maybe we need to look at our program and what we are doing but that is a long term study. Mr. Congleton indicated we have a situation where the staff has recommended something and they are the professionals and even though the Council doesn't have to accept everything they say, they do go in and consider all the facts. He indicated if the staff was saying there is a problem, then he would be reluctant to approve the application. However, staff is not saying we have a problem and he does not feel that we should penalize the ones that come forward and ask for the loan that seems to be triggering the whole study. The substitute motion to approve the loan application and refer to committee an item to see if a policy is needed was put to a vote which resulted in all members voting in the affirmative except Mr. Walters and Mr. Keller who voted in the negative. The Mayor ruled the motion adopted.

GREEN ROAD PARK - STREET IMPROVEMENTS - FUNDS APPROPRIATED

When the City acquired the Green Road Park, one of the conditions specified as part of the acquisition cost was that the City would pay 50 percent of the cost of making the improvements to the new streets to be built contiguous to the park land.

One of those streets is Kilcullen Drive and the improvements have now been made by the private developer. The City's share would be $47,364.30. A budget account exists in Fund 37, the Parks Capital Fund, to pay for these costs. However, insufficient funds are in this account. A transfer of funds as follows would be necessary:

From:		
37-2-1000-0100	Council Reserve	$33,073
To:		
37-2-2650-0110	Green Road Streets	$33,073

Recommendation: It is recommended that this transfer of funds be approved so that the City can pay its agreed upon share of the street improvements. Mr. Walters moved the recommendation as outlined be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 241 TF 10.

ATLANTIC AVENUE - HIGHWOODS SECTION - BID AWARDED TO C.C. MANGUM, INC. - FUNDS APPROPRIATED; CHANGE ORDER FOR WATER MAIN - APPROVED

Bids on the above referenced project were received at 10:00 A.M., on November 23, 1983. Six sealed bids were opened with the results as follows:

C. C. Mangum, Inc.	$627,568.49
Nello L. Teer Company	642,878.22
W. E. Garrison Grading Co.	645,632.75
James Massengill & Sons Construction Co.	679,260.57
RGK, Inc.	730,514.84
REA Construction Co.	985,280.50

The low base bid is 2.1 percent over our estimate of $614,333.65.

Recommendation: It is recommended that the contract be awarded to the low bidder, C. C. Mangum, Inc., in the amount of $627,568.49. It is further recommended that $12,500 be budgeted for miscellaneous items (materials testing and unforeseen conditions at the construction site) and that the following transfer of funds be approved:

From:		
35-2-4020-0200-0000	Winton Road Extension	$640,068.49
To:		
35-2-4020-0201-0000	Atlantic-Highwoods	$627,568.49
35-2-4020-0203-0000	Miscellaneous	12,500.00
		$640,068.49

Assistant City Manager Benton explained the project pointing out on this section of Atlantic Avenue we do have all of the right-of-way. It was pointed out that on the Consent Agenda there was a change order in the amount of $167,015 known as Change Order No. 1 - Hawley Construction, Inc. This change order would be needed to include the Southern Section of Atlantic Avenue 30" Main under the Beltline and through Highwoods so utility work could be accommodated with the street construction project. The Consent Agenda included the budget amounts that would need to be amended if the change order is approved. Brief discussion took place and Mr. Walters moved Administration's recommendation that the low bid be awarded to C.C. Mangum be approved and that funds appropriated as outlined and that change order 1 - Hawley Construction Company also be approved and funds appropriated as outlined. His motion was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 241 TF 10.

Mr. Congleton questioned what would happen to the traffic at the Whitaker Mill Road area and this was discussed briefly.

WAKE FOREST ROAD WIDENING PROJECT - BID AWARDED TO C.C. MANGUM, INC. - FUNDS APPROPRIATED

Bids, on the second advertisement, were received on Wednesday, November 23, 1983, at 10:15 A.M. Two bids were received as follows:

C. C. Mangum, Inc.	$746,885.50
REA Construction Co.	$982,399.45

After reviewing the unit prices bid by the low bidder and considering the complexity of the construction caused by existing conditions, the prices appear to be reasonable.

After reviewing our preliminary estimate and adjusting certain items because of job site conditions, the low bid is 5.5 percent above our final estimate.

The project is part of the Atlantic Avenue Connector Program and involves upgrading Wake Forest Road to allow four lanes of traffic. The costs are higher than expected and are affected by: a 300-day construction schedule with a high penalty for delay; substantial storm drainage work to improve the handling of surface water run-off in the area; and the complexity of work in an area which is totally developed and has extensive underground utilities.

Recommendation: It is recommended that the contract be awarded to C. C. Mangum, Inc., in the amount of $746,885 and that the following transfer of funds be approved:

From:		
35-2-4000-0100	Wake Forest Road Widening	$124,000.00
35-2-3000-0120	Atlantic Avenue	366,885.50
		$490,885.50
To:		
35-2-4000-0110	Wake Forest Road Widening	$490,885.50

Assistant City Manager Benton indicated these bids came in a litter higher than the City anticipated. He pointed out, however, with all of the restrictions and restraints related to the project and the fact that there is a 300 day construction limit with high penalties after that, Administration feels that the bid should be awarded. Mr. Walters moved that Administration's recommendation be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 241 TF 10.

MUNICIPAL AGREEMENT - HILLSBOROUGH STREET - APPROVED

On September 20, 1983, the City Council endorsed a plan to return two-way traffic to Hillsborough Street. This plan was sent to the North Carolina Department of Transportation for consideration. Administration has been advised that the State concurs in the two-way traffic operation. The State did not agree to the elimination of one of the present three traffic lanes on the Edenton Street connectors. However, all other elements of the City's plan were accepted.

The State has indicated a willingness to enter into a Municipal agreement that would permit these revisions. The proposal is that the City staff perform the modifications with a reimbursement from the State for the cost which is estimated to be $20,000 to $25,000. Pending Council approval, work could begin in a matter of days and should be finished by mid-January.

Recommendation: It is recommended that the Council approve a Municipal agreement for this project and authorize the Mayor to sign the document. Mr. Keller moved the recommendation as outlined be upheld. His motion as seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

CABLEVISION - STATUS REPORT - PHASE I DEADLINE EXTENDED TO MARCH 15, 1984

The Cable Franchise Ordinance (1983-131) requires completion of Phase One of the Cablevision construction schedule by December 21, 1983. Cablevision has advised the City Administration that it will not be able to meet this deadline because of start-up delays, including greater-than-expected problems with the location of other utilities where underground work was involved, which slowed underground construction, and because of dependence upon agreements and make-ready activities and other involvement of CP&L in overhead construction.

The Cable Standards Ordinance provides that the City will levy a $500 per day fine if Cablevision does not follow the prescribed construction schedule.

Also, Section(b) of the "Penalties" clause allows the Council to approve modifications of the Construction schedule "due to the occurrence of conditions beyond the Company's control."

Copies of the appropriate Franchise documents are included in the Council Members' Agenda packets.

Administration does concur that conditions have occurred which have delayed the actual installation. Council may wish to consider an appropriate extension of time for Phase One. Cablevision officials have indicated that they could complete the first phase by March 15, 1984.

Recommendation: It is recommended that the deadline for Phase One construction be extended to March 15, 1984, with the stipulation that no further variance from the construction schedule for Phase One be accepted and that all other schedule dates in the Franchise Agreement remain unchanged.

Mr. Walters moved that the deadline for Phase I construction be extended to March 15, 1984. He indicated he could not agree with the rest of the recommendation as we do not know what will happen in the future. He stated if we grant this extension we would not anticipate granting another extension but we just do not know what might occur. Mr. Congleton indicated maybe he doesn't understand, but he feels this is a very generous extension and he has no problem with saying that no further extensions will be granted and that all other schedule dates will remain the same. He stated he

would hope that no other extensions would be made and he feels we are adding emphasize to saying we are being generous and we feel that all of the time schedules should be met. Lengthy discussion took place as to what the recommendation as outlined actually meant. Ms. Babb indicated she would agree with Mr. Congleton and she feels that we should take a strong position that we do not want any deadlines extented. She stated it is a known fact that the Council can reverse any decision it makes and pointed out citizens are not happy with a number of things about Cablevision. She stated she knew that Congress has impeded our authority over Cablevision and she feels we need to take a strong vote to say we are keeping an eye on Cablevision. After brief discussion, Mr. Congleton made a substitute motion that Administration's recommendation be upheld. His substitute motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ADDENDUM

CIVIC CENTER - TRANSFER - APPROVED

The addendum presented a transfer in the amount of $5,000 in the Civic Center Account to reallocate funds to the repair account where the greatest need exists. Mr. Calloway moved the $5,000 transfer be approved as recommended. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 241 TF 10.

CAPITAL CITY TRAIL RUN - REIMBURSEMENT TO FIRST FEDERAL SAVINGS AND LOAN - FUNDS APPROPRIATED

The City Council in their meeting held on October 4, 1983, agreed to split the cost of policing the Capitol City Trail Run with First Federal Savings and Loan. It was pointed out that the needed off-duty police officers would cost $,1,080. The Council indicated they felt the race would serve to help educate the public on the Capital City Trail and call attention to the City's rich heritage; therefore, they agreed to help underwrite the policing of the event. This amount has been paid by First Federal Savings and Loan and they have now asked for reimbursement of $540. Administration recommends that a transfer of $540 from Council Contingency be authorized in that reimbursement in that amount be made to First Federal Savings and Loan. Mr. Congleton moved Administration's recommendation be upheld. His motion was seconded by Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1983) 241 TF 10

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 21, 1983, and included in the budget for the fiscal year ending June 30, 1984, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

	CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From	01-2-1040-0001	C. C. Contingency	$ 540.00
To	01-2-1010-0265	Other Services	540.00
Purpose: To cover 1/2 cost of policing with First Federal Savings & Loan for Capital City Trail. See 10/4/83 C.C. Minutes and 12/6/83 Minutes.			
From	84-2-1110-0000	54" Water Trans. Main	$ 30,000.00
To	84-2-1700-0101	NCDOT Rock Quarry Main	30,000.00
Purpose: Installation of 12" water main on Rock Quarry Road bridge at I-40.			
From	84-2-1650-0000	Raw Water Main	$167,015.00
To	84-2-1405-0101	W.S. 1983-1A	167,015.00
Purpose: 30" Atlantic Avenue Water Main WS 1983-1, Hawley Construction, Inc.			
From	01-2-1040-0001	Contingency	$ 6,000.00
To	01-2-1040-0201	Relocation Parking	6,000.00
Purpose: To provide funds for the rental of additional parking spaces during parking deck construction.			
From	40-2-1000-0100	Council Reserve	$ 19,987.00
To	40-2-1820-0102	Mem. Aud. Roof Repair Const.	19,987.00
Purpose: To provide funds for repair of Memorial Auditorium Roof.			
From	01-2-1200-0211	Legal Ad	$ 300.00
From	01-2-1200-0212	Surveying Supplies	$ 450.00
From	01-2-1200-0237	Car Rental	$ 350.00
To	01-2-1200-0606	Equipment	$ 1,100.00
Purpose: To provide funds to replace surveyors level that needs repairing.			

From	01-2-1040-0001	Contingency	$ 6,728.00
To	01-2-3050-0265	Other Services	6,728.00

Purpose: To provide funds not budgeted to install computer terminal coax cable in new Municipal Building for both IBM and Wang computer systems.

From	06-2-7100-0002	Contingency	$ 2,500.00
To	01-2-3030-0100	Salaries	2,500.00

Purpose: To fund part time personnel services for Utilicorder - Meter Reading Program.

From	38-2-3030-0100	Carolina Pines Lights	$ 3,392.00
To	38-2-3300-0100	Biltmore Hils	3,392.00

Purpose: To place funds into account for lighting in Biltmore Park.

From	01-2-1040-0001	Council Contingency	$12,011.06
To	01-2-1040-0105	Unemployment Comp.	12,011.06

Purpose: To provide funds for Unemployment Insurance payment to Employment Security Commission.

From	01-2-5050-0225	Repairs Bldg. & Stru.	$ 56.46
To	06-1-0070-0200	Misc. Income	56.46

Purpose: To reimburse Public Utilities Dept. for work done at Municipal Building to unstop sewer lines on 10/6 and 10/7, 1983.

From	37-2-1000-0100	Council Reserve	$33,073.00
To	37-2-2650-0110	Green Road Streets	33,073.00

Purpose: To provide funds to make improvements to new streets to be built contiguous to Green Road park.

From	35-2-4020-0000	Winton Road Extension	$640,068.49
To	35-2-4020-0201	Atlantic Highwoods	627,568.49
	35-2-4020-0203	Misc.	12,500.00

Purpose: To provide funds to award bid and construct Atlantic Avenue, Highwoods Section.

From	35-2-4000-0100	Wake Forest Road Widening	$124,000.00
From	35-2-3000-0120	Atlantic Avenue	366,885.50
To	35-2-4000-0110	Wake Forest Road Widening	490,885.50

Purpose: To provide funds to award bids and construct Wake Forest Road widening.

From	01-2-1080-0225	Repairs to Bldg. Structure	$ 5,000.00
To	01-2-1080-0227	Repairs to other Equipment	5,000.00

Purpose: To reallocate funds to the repair account where the greatest need exists.

From	01-3-3100-0108	Rescue Sq. Reserve	$ 1,600.00
To	01-2-4110-0270	Rescue Sq. Expend.	1,600.00

Purpose: To provide funds for expenses incurred for emergency medical supplies.

TAXICAB OWNERS PERMITS - VARIOUS - APPROVED ON FIRST CONSIDERATION - TO BE PLACED ON DECEMBER 20 AGENDA

The Addendum indicated applications have been received from Archie Bond, Archie's Bus and Taxi Service (Franchise Renewal) and Edward Dwight Cotton, Lincoln Cab Company (Renewal of Individual Owner's Permit) to operate a taxi. The applications have been checked and meet requirements of Section 12-2053 of the City Code. Administration recommends approval of these applications on the first reading with the understanding they would be placed on the December 20, 1983 Agenda for second and final consideration. Mr. Calloway moved Administration's recommendation be upheld. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RIDGE ROAD SWIMMING POOL - PROBLEM - REFERRED TO PUBLIC WORKS COMMITTEE

City Manager Zachary indicated there remain problems with the Ridge Road Swimming Pool that the need the attention of a Council Committee. Without objection, Mayor Upchurch referred the Ridge Road Swimming Pool problems to Public Works Committee.

JANUARY ZONING HEARINGS - TO BE HELD JANUARY 17 AND 19

City Manager Zachary indicated we have 29 requests for rezoning scheduled for the January hearing. He indicated the Council may want to consider hearing one half of the request at the regular meeting on Tuesday, January 17 following the regular Council Meeting and the remainder of the rezoning request on Thursday, January 19, at 6:30 p.m. Mr. Calloway moved the Manager's Recommendation be upheld. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT OF MAYOR AND COUNCIL MEMBERS

BOARD OF ADJUSTMENT - REQUEST FOR CLARIFICATION/INTERPRETATION - REFERRED TO THE LAW AND FINANCE COMMITTEE

Mr. Upchurch indicated Council Members received a letter from the Board of Adjustment relative to several concerns or needs for clarification/interpretation. He stated without objection, he would ask that this item be referred to Law and Finance Committee. The item was so referred.

SUNSET CLAUSE - CLERK ASKED TO DATE ITEMS ON COMMITTEE AGENDAS

Mayor Upchurch expressed appreciation to the Council Members in their efforts in moving the meeting along today. He stated he felt it was very important that as many decisions as possible be made as the Council table. He stated in an effort to try to keep items from lingering too long, he would ask the Clerk to place the date on the pending Agendas after each item that is referred to Committees and in effect have a 90 day sunset clause; that is, any item that is not discussed for 90 days would be automatically referred back to the Council for appropriate action. Without objection, this was agreed to.

NEWSPAPER TOUR - ANNOUNCED

Mayor Upchurch indicated Council Members have been invited by the editors of The News and Observer/Raleigh Times on Tuesday, December 13, at 11:00 a.m. to talk with the editors and see the papers printed. He expressed appreciation to the papers for this invitation pointing out he felt that this would be very good for all involved.

WORK SESSION - DECEMBER - CANCELED

Mayor Upchurch indicated according to the regular Council schedule that the December Work Session would be held on December 15. He indicated there are no pressing item and if there was no objection, the work session for December would be canceled and the next work session would be the third Thursday in January. Without objection, this was agreed to.

COUNCIL PRIORTIES AND GOALS - INFORMATION RECEIVED

Mayor Upchurch presented the following list of major projects and goals for the City Council. He indicated these goals are not listed in any priority and he is sure all Council Members have item they would like to add to the list. He stated may be at the next City Council meeting, all members could bring forth their ideas as it relates to priorities of the City Council and hopefully, some time in January, the Council and staff could spend a couple of days together working on the priorities and goals of this Administration. He presented the following list, pointing out he feels this is a good starting point. The item was received as information and the list was as follows:

As we begin our two years together, it is important that we develop a program which allows us to focus on those issues which we consider to be most essential for Raleigh. Listed below are programs, which I feel need our attention. Your review, comments, and suggestions are solicited These are not listed in order of importance.

A. Protection of Falls Lake

This area is the source of our future water supply and will be a significant part of recreational life. Much work has been done and we need to remain heavily involved in this effort.

B. Transportation System

The growth in and around Raleigh is placing substantial demands on our existing transportation systems.

The staff has been working on an update of our Transportation Plan. We should begin discussions on our needs, and how we can finance the various facilities that will be called for.

C. Comprehensive Plan Update

We are going through the process of updating our Comprehensive Plan. The orderly completion of this effort is very important.

D. Downtown Redevelopment

A number of activities are underway in the downtown area. This area should continue to be a focus of the City Council to assure maintenance of the momentum. The potential for housing in the downtown area is a critical concern.

E. Economic Development

Recently the Council adopted the Economic Development element of our Comprehensive Plan. This was the result of the Raleigh Tomorrow Program. Following thru on the various items is essential. A special focus should be the preparation of an economic development strategy for Southeast Raleigh.

F. Water and Sewer System Improvements

Much work has been done in this area. However, the discontinuance of federal funding for wastewater systems makes it necessary that we develop a local financing strategy for sanitary sewer improvements that will be required in the next few years.

G. Housing

The City has several projects now underway that will improve our housing. This effort will need more attention in the future so that the City can more fully define its role in this area.

If possible, I would like to have your comments by December 20, 1983.

I am also proposing that the Council and Administration undertake a weekend work session which will help us refine our priorities and develop a work program for the next two years. If possible, it would be desirable to confirm this at our December 20 meeting.

LEAF PICKUP - VALERIE DRIVE - REFERRED TO ADMINISTRATION

Mrs. Block asked that Administration look into a problem of no leaf pickup on Valerie Drive. She indicated the leaves had not been picked up and the residents called the Street Department and were told that a pick up had occurred when actually it had not. She requested that Administration look into the problem. Without objection, the item was referred to Administration.

COMMITTEE MEETING TIMES - TO BE DISCUSSED LATER

Mrs. Babb questioned the meeting schedule of the Committees of the Council. Discussion took place with it being agreed that the various committees would get together, discuss appropriate time and a permanent decision would be made at the next meeting. it was agreed that the Public Works Committee would meet on Tuesday, December 13 at 9:30 a.m. with the Law and Finance Committee meeting at 1:30 p.m. on the same date.

STORM DRAINS - COMMENTS RECEIVED

Mrs. Cates indicated after the Inauguration Ceremony several people spoke to her about the storm drains that were stopped up particularly ones on Ridge Road. City Manager Zachary indicated we had a particular problem today in that the heavy rains came when many leaves were still piled on the streets and they had been washed into the gutters. He indicated overtime would be approved to try to correct the leaf problems.

ZONING EVALUATION - COMMENTS RECEIVED

Ms. Cates indicated in sitting through the first zoning hearings, she really saw the need for expedient action on the code revisions and she is eager to see this move along. She stated she did not want the Council to have to go long without revisions to the zoning code, pointing out she is particularly interested in looking at the conditional use zoning. She urged that the zoning evaluation be expedited.

SISTER CITIES - KRUME, JAPAN - REFERRED TO ADMINISTRATION FOR REPORT BACK TO INTERGOVERNMENTAL COMMITTEE

Mr. Walters indicated recently a delegation visited the City of Raleigh from Krume, Japan. He indicated they expressed interest in becoming a sister city with the City of Raleigh and this item was referred to the Intergovernmental Committee. However, they have not met on the item as yet. He stated he would like to leave the item in Committee and ask the Committee to consider it as soon as possible. He stated in the meantime, he would like the question of a possibility of establishing a sister city relationship between Raleigh and Krume, Japan be referred to Administration and they request information from Sister City International on the program, etc. and that this information be reported to the Intergovernmental Committee. He stated in addition, he would like for the Mayor of Krume, Japan be notified of this action. Without objection, this was agreed to.

NON DISCRIMINATION ORDINANCE - AGE - ADMINISTRATION TO GIVE A REPORT

Mr. Congleton indicated in the Agenda Packet there was a contract and he was reading through the nondiscrimination agreement. He stated he noticed that "age" was not included in the City of Raleigh's nondiscrimination ordinance and questioned why. The matter was referred to Administration with direction to give a report back to Council.

WALNUT CREEK - STATUS OF DREDGING - INFORMATION RECEIVED

Mr. Calloway indicated there has been a longstanding water problem on Garner Road and the question of dredging Walnut Creek had been referred to Administration indicating he would like to have a status report. Assistant City Manager Benton indicated the Corps of Engineers have looked at the request including Walnut Creek in their proposal related to Crabtree Creek. He stated, however, it hasn't been funded yet. The item has been received as information.

FALLS LAKE - REPORT RECEIVED

Mr. Upchurch passed out copies of Joe Grimsley's report on the Falls Lake Protection Program.

REPORT OF CITY CLERK AND TREASURER

MINUTES - VARIOUS - APPROVED AS PRESENTED

The City Clerk indicated Council Members received minutes of the November 3 and 15 Council Meetings and minutes of the November 15 and 17 Joint Hearings with the Planning Commission. There being no corrections, Mayor Upchurch announced the minutes approved as presented.

TAXES - REBATES AND/OR REFUNDS - RESOLUTIONS ADOPTED

The City Clerk indicated Council Members received three proposed resolution in their Agenda Packets relating to rebate and/or refund of taxes which are recommended for adoption. She indicated it is also recommended that the Council approve the listings as submitted by the Wake County Tax Supervisor for clerical errors only. Mr. Keller moved adoption of the resolutions and the listings as submitted. His motion was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1983) 411

A RESOLUTION REFUNDING TAXES AS SET FORTH HEREIN

WHEREAS, the proper tax authority of the City of Raleigh has reported to the City Council that certain taxes appearing upon the tax records of the City of Raleigh, listed below, should be refunded for the reasons given; and

WHEREAS, the City Council finds as a fact that the reason in each instance for the refund of the tax is true, and that the same should be allowed; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following taxes heretofore assessed be and the same ordered refunded as may be indicated below:

YEAR	TAXPAYER	ACCOUNT NO.	AMOUNT OF REFUND	REASON FOR REFUND
1983	Buie, Elizabeth Quick	01-2-5046739	$ .69	Illegal Billing
1983	Clark, Herbert G. & Ruth	01-2-0013291	113.20	Illegal Billing
1982	First, David F. & Jeanne A.	01-2-0022317	60.07	Illegal Billing
1981	First, David F. & Jeanne A.	07-1-0022317	59.43	Illegal Billing
1983	Perry, Edward W.	01-2-5218194	40.03	Illegal Billing
1982	Resnick, Maurice & Irma S.	01-2-0054626	52.88	Illegal Billing
1981	Resnick, Maurice & Irma S.	01-2-0054626	52.31	Illegal Billing
1982	Shires Company E. E. Falk	01-1-5221773	191.16	Illegal Billing
1983	Simon Dixon Builders Inc.	13-1-5223795	232.85	Illegal Billing
1983	Tefft, David P. & Valerie A.	17-2-5243558	8.85	Illegal Billing
1983	We Try Harder, Inc.	01-1-5055851	59.00	Illegal Billing

Section 2. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the Raleigh City Council.

RESOLUTION NO. (1983) 412

A RESOLUTION ADJUSTING, REBATING OR REFUNDING PENALTIES AND RELIEVING INTEREST FOR LATE LISTING OF PROPERTY FOR AD VALOREM TAXES

WHEREAS, pursuant to G.S. 105-331, a 10% penalty was assessed against the property owners listed below for failure to list their taxable property during the regular listing period; and,

WHEREAS, each of said property owners has shown to the satisfaction of the City Council that their failure to list on time was excusable; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 10% penalty assessed against the property of the following named persons be and the same is hereby adjusted, rebated or refunded as shown:

YEAR	TAXPAYER	ACCOUNT NO.	TAX VALUE	RECOMMENDATION
1983	Cecil F. & Cavell Brownie	01-2-5251416	$ 6,870	Relieved
1983	Shyilon Larry Liu	01-2-5424129	6,680	Relieved
1983	Ross Phillip & Jane E. Roggensack	07-2-5434993	6,050	Relieved

Section 2. That the following requests for relief be denied:

YEAR	TAXPAYER	AMOUNT
1984	Michael Ashley Cockrill	$ 6,075
1983	Michael Ashley Cockrill	5,290
1983	Earl Johnson, Jr.	1,000
1983	Earl Johnson, Jr.	28,000
1983	Arrow Electronics	90,898
1983	Solomon Roosevelt Brown	360
1983	Solomon R. & Dorothy S. Brown	2,220
1983	Solomon R. & Dorothy S. Brown	2,220
1983	Solomon R. & Dorothy S. Brown	2,220

Section 2. That the City/County Tax Collector and/or the City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

RESOLUTION NO. (1983) 413

A RESOLUTION APPROVING TAX EXEMPTION AS DESCRIBED

WHEREAS, pursuant to N.C. General Statutes 105-275(10) & (11) exemption from taxation was available for the property owners, listed below; and,

WHEREAS, each of said property owners has shown to the satisfaction of the City Council that their failure to request relief in a timely manner was excusable; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following be approved for exemption from taxation:

YEAR	TAXPAYER	AMT. OF VALUE	RECOMMENDATION
1983	Consolidated Distilled Products, Inc.	$ 56,221	Approved

Section 2. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

ADJOURNMENT

There being no further business, Mayor Upchurch announced the meeting adjourned at 4:55 p.m. to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk

dg/D/J

The City Council of the City of Raleigh met in regular reconvened meeting on Tuesday, December 6, 1983, at 7:00 p.m. in the City Council Chambers of the Municipal Building with the following present:

Mayor Upchurch presiding
Ms. Babb
Ms. Block
Mr. Calloway
Ms. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and the following matters were discussed with action taken as shown.

REQUESTS AND PETITIONS OF CITIZENS

ROAD RACE - APRIL 8, 1984 - APPROVED

Bob Baxter was at the meeting indicating they would like to conduct a major road race within the City limits of Raleigh on April 8, 1984. He indicated the event would include sanctioning by the athletics congress, a minimum of $2,000,000 liability insurance with the City of Raleigh listed as a co-insured party, traffic control and access coordination between the director and the Raleigh Police Department, medical aid coordinated with the Wake County Red Cross and EMC, identification and promotion of the Raleigh Civic Center, a runner's expo to citizens to the Civic Center on race weekend with live and delayed telecast of the event to promote both the event itself and the City of Raleigh. He indicated the promoters and sponsors of the event share concern that only a well organized and safe road race should be permitted and that wide scale proliferation of road races may not be in the City's best interest nor that of its citizens. He stated in keeping with this concern, it is requested that the April 8 event be given a priority. Assistant City Manager Benton indicated Administration has looked at the request and recommends that the City Council concur with the request. Mr. Keller moved that April 8, 1984 be reserved for a major road race in the City of Raleigh. His motion was seconded by Mrs. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

CIVIC CENTER - REQUEST FOR WAIVER OF FEE - REFERRED TO LAW AND FINANCE COMMITTEE

Dr. Walter L. Marks, representing the Wake County Public School System, was at the meeting to explain the Wake County Leadership Project Conference on World Hunger. He indicated the project started at NCSU at an event in which Mayor Upchurch participated. He explained this involved all schools in Wake County and youngsters representing each of their schools come together in an event sort of like the United Nations. He stated they are following up with that with a second conference which they hope will be in April and they plan to have it at the Civic Center. He stated they have money in the budget to pay for the food for the youngsters who will be at the Civic Center all day and he was at the meeting to request that the City Council waive the rental fee for the Civic Center for this event. He indicated a teacher and student from each school in Wake County will participate in the event. Dr. Marks introduced the staff person with the Wake County Public Schools in charge of this event. She explained the event in detail pointing out what they hope to accomplish in this event explaining it will culminate with an open invitation for all people to come and review the exhibits, etc.

Assistant City Manager Benton indicated it appears from preliminary indications that the use of the facility would require utilization of the main level and if rented that would cost about $1,750. He stated use of additional facilities will run between $400 and $500. He stated administration does have a couple of concerns about this. He stated as a general rule waivers are given where events are City of Raleigh related events. He explained we do have a number of fundraisers throughout the year at the Civic Center for many worthwhile causes and these fundraisers have to pay the standard rental rates. Mr. Upchurch spoke briefly to the event and his participation in the event pointing out it is a very worthwhile cause. Mr. Walters questioned if there would be any conflict at the Civic Center with Civic Center Director Krupa indicating the Wake County Schools have made arrangements to reserve the space. Ms. Cates indicated she felt that we were all aware of the school budget and its restraints and in the interest of good intergovernmental relations, she would move approval of the request. Her motion was seconded by Mr. Calloway. Mrs. Block stated she did not think the City should assume the County's responsibility and questioned if they could pay part of the rental. Dr. Marks indicated the school system would appreciate anything the City could do as far as waiver, partial waiver, etc. Mr. Calloway explained he seconded the motion to waive the fee pointing out we would be entertaining a sizable number of children from all over the county. He stated he feels this would be a good investment as we will be bringing people from all over the County into the City. Other discussion took place after which Ms. Babb indicated she is familiar with the program and it is a very worthwhile thing. She stated maybe something could be worked out whereby the City could provide some assistance in some manner and she made a substitute motion to refer the request for waiver of the rental

fee to Law and Finance Committee to see if something could be worked out. Her substitute motion was seconded by Mrs. Block. Mr. Congleton indicated when we are working with a group such as the school to keep in mind that we will be asking somethings of them and asked the Law and Finance Committee to keep in mind that whatever they do to do it in the context of good governmental relations. Ms. Block questioned if the dates being requested are firm with Dr. Marks indicating they wanted to hold the event that date. After other discussion the substitute motion to refer the matter to Law and Finance Committee was put to a vote and passed unanimously.

CAPITAL AREA TRANSIT - COMMENTS RECEIVED

Jessie C. Whitaker had made a request to address the Council with a request to create a nine member board composed of both black and white citizens including both sexes to oversee the Capital Area Transit and also request the City to compensate him for the time he wasted with the Human Resources Department. He indicated the last time he was before the Council with this matter, he was referred to the Human Resources Department and to him that was a total waste of taxpayers' money. He indicated they got some information for him but it was not good enough. He indicated he was withdrawing his request to create a board to oversee the Capital Area Transit and he was at the meeting to appeal what was told to him last time. Assistant City Manager Benton indicated the City's people did look at Mr. Whitaker's problem and the report he had received is that EEOC is the place for Mr. Whitaker to go if he wants to pursue the matter. He indicated the City's Human Resources Department was not able to satisfy Mr. Whitaker. Mr. Benton also indicated that Mr. Whitaker may want to talk with the Transit Authority. Mr. Whitaker indicated he had talked to a Sharon Person with EEOC and she is up to her shoulders with problems and she had indicated she had received a notice from Mr. Deaton saying he will not hire him. He stated he will just continue pressing until Mr. Deaton either hires him or retires from CAT. The possibility of referring this matter to the Transit Authority was discussed with Mr. Walters pointing out they do not have any jurisdiction over the hiring for the CAT System, that this is a personnel problem and should be referred to the proper channels. After other discussion, it was agreed that Mr. Whitaker would continue pursuing the matter through the EEOC and Ms. Pearson.

ENCROACHMENT - CAROLINA SECURITIES - WITHDRAWN

Tim Williams representing Allen Displays, Inc. had requested permission to encroach on City right-of-way at the corner of Hargett and McDowell Street; however, it was pointed out by the Clerk that Mr. Williams had withdrawn his request. Therefore, the item was removed from the Agenda with no action taken.

DENSITY REQUIREMENTS - REQUEST FOR VARIANCE BY WHITE OAK PROPERTIES, INC. - REFERRED TO THE PUBLIC WORKS COMMITTEE

Roland Gammon, 2524 White Oak Road was at the meeting representing White Oak Properties, Inc. He indicated he was at the meeting to request a variance according to City Code Section 10-2063(b) in order to construct 9 units on 1.515 acre parcel zoned Residential-6 located at the corner of Oberlin and Craig Streets. Mr. Gammon read the code section he referred to and pointing out as he understood this code section, citizens are allowed to come before the Council and demonstrate a hardship and request a variance. He indicated the hardship they are facing is real and substantial. He explained their project has no negative impact but has some very substantial positive impacts. He explained the location of the property and pointed out they have gone through subdivision approval and have been approved for eight units. He explained there is presently a house on this property and they will be taking that house and in keeping with some of the other infill projects they intend to construct a luxury condominium project, at this location. He explained when they purchased the property and it was 1.515 acres zoned R-6, they assumed that that would equate to nine units. He pointed out, however, Oberlin Road is on the thoroughfare plan as an 80 foot right-of-way. So, with the right-of-way that would be lost, they would lose some of their density. He stated he was not before the Council to question the Thoroughfare Plan, but pointed out in acquiring this property they had it valued and they were told that the highest and the best use of the property related to the land and not the house. He indicated because of the need to reserve a future right-of-way for Oberlin Road, they will be losing one unit and this is an economic hardship on them. He indicated if the variance in density is granted, he would see no adverse impact of the nine units. He indicated the ninth unit would not change the footprint of the project and the project would never be nonconforming as it relates to setbacks and parking requirements, etc. He explained the problem they are hung up on is the density. He indicated there is no negative fiscal impact pointing out that they would be taking down a house that has a tax value of some $100,000 and the project would have a tax value of some $1,000,000 when the new project is constructed. He indicated should Oberlin Road ever be widened, they would freely dedicate the right-of-way pointing out they would be willing to work with the City in any way on this matter. He referred to previous cases along Oberlin Road pointing out in his opinion because of the physical problems, it will make it difficult to ever widen Oberlin Road because there are so many structures that would become nonconforming or development would have to work around them. He indicated, however, he was not at the

meeting to discuss the merits of widening Oberlin Road. He is just asking the Council to grant them a variance to construct the ninth unit. In response to questions, he indicated after dedication of the right-of-way, they would be left with 1.42 acres which would allow only 8 and a fraction units and they are asking to be allowed to utilize the right-of-way in figuring their density pointing out the lose of the ninth unit is a 12 percent lose of land value to them. Mrs. Block indicated her personal opinion is that Oberlin Road will never be widened to the 80 feet but she does feel it will be widened to the 60 foot right-of-way. She stated maybe this should be studied in Committee. Without objection, the matter was referred to Public Works Committee.

ENCROACHMENT - 112 FAYETTEVILLE STREET MALL - APPROVED CONDITIONALLY

Susan Gillis, representing Tenntex, indicated she was at the meeting requesting an encroachment in order to install window awnings in the second and third floor windows at 112 Fayetteville Street Mall. She indicated the awnings will project over the mall 46 inches and be approximately 46 inches tall and 45 inches wide and a riviera style. She stated it will be in brown and tan stripes and this involves six windows, three on the second floor and three on the third floor. She indicated she and her husband, who is the managing partner of Tenntex, are aware of the provisions of the Code relating to type of material, etc. and they are willing to comply with all of the ordinances. Assistant City Manager Benton indicated, the City staff would recommend considering this request favorably subject to the necessary encroachment agreements being executed and that the awnings be of a moveable type that would be of noncombustible materials. Mrs. Block questioned what would happen if the awnings became tattered, etc. if there is any requirement that they be replaced and/or removed. City Attorney McCormick indicated that that was a good thought that could be included in the agreement. Mr. Walters pointed out the Radisson Hotel awnings already have large holes. After brief discussion, Mr. Keller moved that the encroachment be approved provided all code requirements are met and the appropriate agreements entered into. His motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

TRAFFIC CONES - RENTAL COSTS REDUCED - AS REQUESTED

Ted Simmons, representing Hagger, Smith and Hoffman Architects, indicated during the construction of their office at 300 South Dawson Street, the general contractor applied for five traffic cones under City Code Section 11-207(b)(6) on August 17, 1983. He indicated the general contractor left his position on August 9, 1983. Mr. Simmons indicated he took over the supervision at that point and knew he indicated they had the traffic cones but he did not know where they came from or that his company was paying for them. He indicated they continued using them during the rest of their construction. He stated when the construction was completed he left the responsibility and continued his work in the office. He stated the cones got stuck in boxes in a storage area until November 10, 1983, when someone from the City called and asked if they were going to be returned. He stated, therefore, they were returned and his company was assessed $1,065 for the 71 working days the cones were utilized. He stated due to the mix up and lack of information, they are asking that an allowance be made; that is, they be allowed to pay for the cones for the 23 working days that they used them and not the time that they were in storage.

Assistant City Manager Benton explained the rental policy of the City pointing out they do rent these cones for construction purposes, etc. He stated the City does feel some degree of compassion in that maybe the City should have followed up a little sooner when the traffic cones were not returned. He indicated the code doesn't require the City to follow up but possibly the City was negligent to a certain extent. He indicated if the Council was so inclined, that maybe the company could be required to pay for the 23 days they actually utilized the traffic cones for the purposes they are meant which would total $345. Brief discussion took place and Mr. Walters moved that the charges for renting the traffic cones be reduced to the 23 working days which would total $345. His motion was seconded by Ms. Cates and put to a vote which passed unanimously.

UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

NONE

MATTERS SCHEDULED FOR PUBLIC HEARING

PUBLIC NUISANCE COST CONFIRMATION - 567 ROSE LANE - HEARING - RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution confirming cost in the amount of $125 for abating public nuisances at 567 Rose Lane, Lot 267, Map 580 in the name of Joseph E. and Lucille B. Jacobs. The Mayor opened the hearing. No one asked to be heard; thus, the hearing was closed. Mr. Walters moved adoption of a resolution confirming the charges as outlined. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1983-414

A RESOLUTION ASCERTAINING AND COMPUTING THE TOTAL COST OF ABATING CERTAIN NUISANCES IN THE CITY OF RALEIGH, CONFIRMING THE SAME AND ASSESSING THE COST OF ABATEMENT AGAINST THE PROPERTY ON WHICH THE NUISANCE EXISTED

WHEREAS, the City Council of the City of Raleigh, pursuant to Chapter 160A of the General Statutes and Sections 2.14(33), (51), 22-51 and Sections 6.35 and 6.36 of the Charter of the City of Raleigh (Chapter 1184 of the 1949 Session Laws of North Carolina as amended) has the authority to prevent, abate and declare unlawful nuisances and to make the cost of said abatement a lien against the premises where the nuisances existed; and,

WHEREAS, pursuant to said Statutes the City Council of the City of Raleigh has adopted Part 7, Chapter 5 of the Code of the City of Raleigh, relating to the abatement of nuisances; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the nuisances as set out herein have been abated at the cost set out herein, pursuant to the Code of the City of Raleigh and more specifically Part 7, Chapter 5.

Section 2. That the City Council of the City of Raleigh hereby confirms the cost of abatement of the nuisances set out herein, pursuant to the General Statutes above referred to and makes the same a lien against the premises as provided in Part 7, Chapter 5 of the Code of the City of Raleigh.

PROPERTY OWNER	LOCATION	ABATEMENT COST
Joseph E. and Lucille B. Jacobs	567 Rose Lane Lot 267, Map 580 ID #0035052	125.00

Section 3. That this resolution shall become effective December 6, 1983.

UNFIT DWELLING - 414 ALSTON STREET - HEARING - ORDINANCE ADOPTED

This was a hearing to consider adoption of an ordinance declaring the dwelling at 414 Alston Street unfit and directing that it be placarded. The property is in the name of Verna Griffin. The Mayor opened the hearing. No one asked to be heard; thus, the hearing was closed. Ms. Babb moved adoption of an ordinance declaring the dwelling unfit as outlined. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. 1983 - 246

AN ORDINANCE FINDING THAT THE PROPERTY DESCRIBED HEREIN IS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED OR DEMOLISHED AS DIRECTED BY THE INSPECTIONS SUPERINTENDENT.

WHEREAS, the City Council of the City of Raleigh finds that the property described herein is unfit for human habitation under the provisions of Part 10, Chapter 6, Article H of the Code of the City of Raleigh, North Carolina, entitled "Housing Code," and that all of the provisions of said Article have been complied with as a condition of the adoption of this Ordinance; and

WHEREAS, said house should not be occupied until repaired to meet the requirements of the Minimum Housing Standards Ordinance, or that the same should be demolished as directed by the Director of Inspections or his designee, and should be placarded by placing thereon a notice prohibiting use for human habitation:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Director of Inspections of the City of Raleigh be and he is hereby authorized and directed to place a sign on the building at location listed herein containing the legend: THIS BUILDING IS UNFIT FOR HUMAN HABITATION; THE USE OR OCCUPANCY OF THIS BUILDING FOR HUMAN HABITATION IS PROHIBITED AND UNLAWFUL."

Property Owner	Location
Verna Griffin	414 Alston Street

Section 2. It shall be unlawful for any person to remove said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any said building for human habitation.

Section 3. That a copy of this ordinance shall be recorded in the Office of the Register of Deeds of Wake County.

Section 4. This Ordinance shall become effective December 6, 1983.

UNFIT DWELLING - 516 WEST LENOIR STREET - WITHDRAWN

During the November 15, 1983, Council Meeting, a hearing was held to consider adoption of an ordinance declaring the dwelling at 516 West Lenoir Street unfit and directing that it be placarded. The property is in the name of the Collins James. It was reported that this item was to be scheduled for the December 6, meeting to consider a loan/grant combination; therefore, the Council agreed to defer action until the December 6, meeting, as it was reported that a Community Development loan/grant application was being processed.

Housing Inspections Supervisor Bartholomew indicated during the afternoon section of the meeting, the Council approved a loan/grant application for these repairs; therefore, he would request that the item be withdrawn from the Agenda with no action taken. Without objection, the item was withdrawn as requested.

PU-1982-25 - PLEASANT VALLEY ROAD AREA - HEARING - REFERRED TO THE PUBLIC WORKS COMMITTEE

This was a hearing to consider adoption of a resolution confirming charges for the installation of approximately 800 feet of water main in the Pleasant Valley Road area. According to charges outlined on Assessment Roll 1002, adopted by Resolution 1983-383 on November 3, 1983. These improvements are outside the City Limits; therefore, the assessment would be deferred until such time as the property owners tie onto the system or are annexed into the City of Raleigh. Chief Engineer Thomas explained the proposal.

Ken Broadwell, representing Mae Ferrell, indicated he was at the meeting to question the assessment. He explained as he understood the City assessed the project at $9.22 per lineal foot per side of the street and he does not feel that is representative of the cost incurred by the City. He indicated he had talked to the Assessment Supervisor, Chief Engineer and City Manager about how the City assesses these costs and they were to get back to him but he has not heard anything. He stated he had raised the question that this project was assessed at too high of a cost. He explained he has done some work with the State DOT and is aware of the fact that the Statewide average is $11.16 per lineal foot and the $9.22 per lineal foot calculates to $18.44 per lineal foot and that is what he is saying is too high. He explained he had talked with the assessment supervisor and asked him to explain to him how the City calculated the cost and in his opinion he has found that the Assessment Supervisor has made a major error in arithmetic. He indicated the City bases its price on the total contract project cost over the past few years and in his opinion that is not representative of the City project cost. Mr. Broadwell explained how he felt it should be calculated to have a representative City-wide average cost. Assistant City Manager Benton indicated the Council may wish to consider this further. He pointed out, however, the City assessment program does not recover the actual cost for installing these facilities. He stated there has been no major error in the way the City calculates this average cost even though there may be disagreement with the way it is calculated, there was no error in the actual calculation. He indicated it is very difficult to use a statewide average in comparison to projects in Raleigh because of the topo, terrain, urban nature, etc. He indicated the real question is how the rate itself is computed. No one else asked to be heard and without objection, the item was referred to Public Works Committee.

STREET CLOSING - LAUREL HILLS SUBDIVISION - HEARING - RESOLUTION ADOPTED

This was a hearing to consider the permanent closing of an unnamed and unimproved right-of-way in the Laurel Hills Subdivision. Planning Director Chapman, utilizing a map available at the meeting, explained the right-of-way in question. The hearing is pursuant to petition, resolution, notification, and advertisement as required by law. Mayor Upchurch opened the hearing.

Cindy Hinston, 4108 Glen Laurel Drive, indicated she was the mother of three small children and is an abutting property owner. She indicated she feels the street should be closed as there is an apartment complex going up adjacent to it and if this street right-of-way is not closed, it will dump the traffic into the residential property. She indicated the previous owners and the new owners support the closing. Mayor Upchurch read a letter from the Alpha III Group who is in support of the closing as advertised. Discussion took place on the development of the adjacent property with Mrs. Block questioning if there will be other cross streets. Mayor Upchurch explained there was a recent zoning on the adjacent property and a plan approved by the City which shows the street being closed. Mr. Keller pointed out part of the adjacent land is very steep and undevelopable. He stated there is a deep ravine that would make the extension of this street impractical. No one else asked to be heard thus the hearing was closed. Mr. Congleton moved adoption of a resolution ordering the permanent closing as of the unnamed and unimproved right-of-way in the Laurel Hills Subdivision as advertised. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1983) 415

A RESOLUTION ORDERING THE CLOSING OF AN UNNAMED STREET IN LAUREL HILLS SUBDIVISION AS DESCRIBED HEREIN

WHEREAS, a petition has been filed with the City Council of the City of Raleigh for the closing of an unnamed street in Laurel Hills Subdivision right-of-way; and

WHEREAS, pursuant to Article 15 of Chapter 160A of the General Statutes of North Carolina, a resolution was adopted by the City Council declaring its intent to close said portion of said street and calling for a public hearing on the question, published as required by law, and notice of public hearing was posted along said street, all as required by law; and

WHEREAS, from facts and information, it appears to the satisfaction of the City Council that the closing of said street is not contrary to the public interest and that no individual owning property in the vicinity of said street will thereby be deprived of reasonable means of ingress and egress to this property.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT

Section 1. The above described portion of the unnamed street in Laurel Hills Subdivision be closed permanently as follows:

Beginning at the northwest corner of Lot 32, Laurel Hills Subdivision Addition as recorded in Book of Maps 1966, Page 394, Wake County Registry; runs thence along the northern property line of Lot 32, 210 feet to a point being the northeast corner of Lot 32, runs thence North 5 degrees, 21 minutes West 60 feet to the southwest corner of Lot 31, thence along the southern line of Lot 31, 210 feet, thence South 60 feet to the point and place of Beginning, being the proposed road as shown on the recorded plat and tax map.

Section 2. This resolution be registered in the Office of the Register of Deeds of Wake County, North Carolina upon proof that the listed conditions, if any, have been met which would make this closing effective.

ANNEXATION - NC 50 AREA - HEARING - ORDINANCE ANNEXING PROPERTY EFFECTIVE DECEMBER 31, 1983 - ADOPTED

This was a hearing to consider the contiguous annexation of property just east of NC 50. The property is owned by Development Associates, Inc., and encompasses 16.12 acres. The hearing is pursuant to petition by the property owner. Planning Director Chapman explained the location and surrounding area indicating staff recommends approval of the petition for annexation. He indicated if the Council deems the annexation appropriate, it is recommended that the affective date for annexation be December 31, 1983, and that the Council adopt a resolution assigning this property to City Council District A. In response to questioning from Mrs. Block, Mr. Chapman indicated the City has no problems in serving this area. The Mayor opened the hearing. No one asked to be heard; thus, the hearing was closed. Mrs. Block moved adoption of an ordinance annexing the property effective December 31, 1983, and adoption of a resolution assigning the property to the City Council electoral District A. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1983) 416

A RESOLUTION TO AUTHORIZE THE INCLUSION OF STONEHENGE APARTMENTS IN CITY ELECTORAL DISTRICT A

WHEREAS, the City Council of the City of Raleigh did, by Ordinance No. (1983) 247 adopted December 6, 1983, annex a parcel of land being commonly referred to as Stonehenge Apartments; and

WHEREAS, any such annexation must be assigned to one of the City's five voting districts to assure adequate representation of the residents thereof; and

WHEREAS, District A is the logical place to assign this annexation due to its proximity to the newly annexed area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the area known as Stonehenge Apartments as described in Ordinance No. (1983) 247 be added to City Electoral district A.

Adopted: 12/6/83

Effective: 12/31/83

ORDINANCE NO. (1983) 247

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS STONEHENGE APARTMENTS, HIGHWAY 50

WHEREAS, pursuant to provisions of Section 160A-31 of the General Statutes of North Carolina, public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on December 6, 1983 at 7:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, no petition was filed at said meeting of the City Council objecting to the annexation of said territory and asking that an election be held thereon; NOW, THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of December 31, 1983:

Property description for Development associates, Inc. Contiguous Annexation North of Property recently annexed by Ammons, Inc. just East of NC #50 Council Agenda October 20, 1983.

BEGINNING at an iron pipe in the Northern line of property of Ammons, Inc. and shown on a map by Bass, Nixon & Kennedy, dated August 1, 1983, recorded in Book of Maps 1983, Page 984, Wake County Registry, thence South 62° 31' 6" West 343.76', to an iron pipe, thence North 81°44' 43" West 493.02' to an iron pipe, thence North 80° 26' 18" West 450.00' to an iron pipe, thence North 40° 53' 7" West 394.78' to an iron pipe, thence North 38° 55' 29" East 134.20' to an iron pipe in the Southern right-of-way of Stonehenge Drive, thence in a Westerly direction with the Southern right-of-way of Stonehenge Drive North 80° 4' 20" West 59.37', along a curve to the left 489.46 feet (radius = 1893.18'), South 85° 6' 53" West 60.83', along a curve to the left 39.27' (radius 25.00') to a point in the eastern right-of-way of NC #50, North along the Eastern right-of-way of NC#50 North 4°53' 7" West 110.00', thence East along the Northern right-of-way of Stonehenge Drive with a curve to the left 39.27' (radius = 25.0), thence North 85° 6' 53" East 60.83', thence, with a curve to the right 504.97' (radius = 1953.18'), thence South 80° 4' 20" East 364.90' thence with a curve to the left 764.28' (radius = 1215.64'), thence North 63° 54' 20" East 83.48' to a point in the Northern right-of-way of Stonehenge Drive, thence leaving said right-of-way South 27° 28' 41" East, 30.32', thence South 56° 3' 22" East 97.18', thence South 22° 4' 43" East 493.64' to the point and place of beginning, containing 16.12 acres.

Section 2. It being understood and agreed that the developer will at his expense construct streets and install utilities within the annexed area.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the office of the Register of Deeds for Wake County, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective December 31, 1983.

Adopted: 12/6/83

Effective: 12/31/83

ENCROACHMENT - CHESTER ROAD - APPROVED CONDITIONALLY

Mr. Upchurch indicated at the last meeting he bought up an item relating to the desire to encroach on City right-of-way by owners of Tatton Place in order to erect entrance signs. City Attorney McCormick explained the entrance signs are brick columns with lights, etc. He indicated he would have no problem with the encroachment provided the standard encroachment agreement is entered into with the appropriate insurance policies. He indicated he sees no legal problems as long as a standard agreement is executed. Mrs. Block moved that the Council authorize the encroachment on City right-of-way at Tatten Place in order to install the entrance signs conditional upon all necessary encroachment and insurance agreements are entered into. Her motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ADJOURNMENT

There being no further business, Mayor Upchurch announced the meeting adjourned at 8:15 p.m.

Gail G. Smith
City Clerk

dg/Night